

# Agenda

## Environmental Protection Commission

Tuesday, January 19, 1999

1:00 P.M.

Wallace State Office Building, Fourth Floor Conference Room

January 20, 1999 - Legislative Reception from 7:30 - 9:00 A.M.

Fourth Floor Conference Room, Wallace State Office Building

### Public Participation

Appointment: Castenson Contested Case Appeal (Item #17)

1:30 P.M.

4:00 p.m.

### Agenda topics

- |   |                                  |
|---|----------------------------------|
| 1. Approve Agenda   |                                  |
| 2. Approve Minutes of December 21, 1998   |                                  |
| 3. Director's Report  | Larry Wilson (Information)       |
| 4. Monthly Financial Status Report  | Stan Kuhn (Information)          |
| 5. Landfill Alternative Financial Assistance Program - Applications Received  | Roya Stanley (Information)       |
| 6. Research Impacts of Compost Amended Soils on Soil Erosion and Revegetation at Highway Construction Sites         | Roya Stanley ( <b>Decision</b> ) |
| 7. Regional Collection Center Contract Approval   | Roya Stanley ( <b>Decision</b> ) |
| 8. Monthly Reports  | Allan Stokes (Information)       |
| 9. Agreement - National Older Worker Career Center  | Allan Stokes ( <b>Decision</b> ) |
| 10. Nonpoint Source Pollution Control Project Contracts   | Allan Stokes ( <b>Decision</b> ) |
| 11. Contract with UHL - Special Statewide Study on the Occurrence of Ammonia, Nitrite & Nitrate in Iowa Groundwater | Allan Stokes ( <b>Decision</b> ) |
| 12. Water Quality Standards - Triennial Review  | Allan Stokes (Information)       |
| 13. Final Rule--Chapters 60, 62, 63, Water Quality Rules Update   | Allan Stokes ( <b>Decision</b> ) |

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|-----|---|----------------------------------|
| 14. | Proposed Rule--Chapter 55, Aquifer Storage & Recovery   | Allan Stokes (Information)       |
| 15. | Hospital/Medical/Infectious Waste Incinerator<br>111(d)/129 State Plan                                      | Allan Stokes ( <b>Decision</b> ) |
| 16. | Proposed Rule--Chapters 20, 21, 22, 23, and 25, New<br>NESHAPS, and Internal Corrections and Clarifications | Allan Stokes (Information)       |
| 17. | Contested Case Appeal--Dave & Kristi Castenson, et al.  | Allan Stokes ( <b>Decision</b> ) |
| 18. | 1999 Legislation  | Don Paulin (Information)         |
| 19. | General Discussion  |                                  |
| 20. | Address Items for Next Meeting  |                                  |

### Next Meeting Dates

February 15, 1999

March 15, 1999

April 19, 1999

# ENVIRONMENTAL PROTECTION COMMISSION

Tuesday, January 19, 1999

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

MIKE TATE	KS DEPT. OF HTH. & ENV.	TOPEKA, KS
Karl Mueldecker	Kansas - YRE (..)	..
Bill Shea	The Messenger	Fort Dodge, IA
Rick Kelley	UHL	DAS
Jane McAllister	ANLEKS CAN FIRM	DSM
Charles Stevens	City of Knoxville	
Chris Gruenhagen	Farm Bureau	WDSM
DAN VEST	GROWMARK	BLOOMINGTON, IL
Andrea Fogle	AA League of Cities	DGM
Lee A Friel	UHS	Des Moines, IA
Tom Newman	I WPCA	Ames IA
Perry Beeman	DM Register	DM
Wayne Kaser	US EPA	KC, KS
Helen	Sierra Club	Proctor
Jane Clark	Sierra Club	DM
Nancy Goodrich	DM WW	DM
Linda Kinnon	IAWA	DM

ENVIRONMENTAL PROTECTION COMMISSION

Tuesday, January 19, 1999

NAME

COMPANY OR AGENCY

CITY

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Kevin A Fors

Attorney/City Harcourt

Harcourt IA

Telma Castenson

Harcourt

Dian Meek

Des Moines

Bert Cummins

Humboldt

Kristi Castenson

Harcourt

Dave Castenson

Harcourt

Jim Meeker

Fax Engineering

Ames

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JANUARY 1999  
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**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**JANUARY 19, 1999**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 1:00 p.m. on Tuesday, January 19, 1999, in the Wallace State Office Building, Des Moines, Iowa.

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### MEMBERS PRESENT

William Ehm, Chair  
Randal Giannetto (arrived at 1:30 p.m.)  
Rozanne King  
Dean McWilliams  
Charlotte Mohr, Secretary  
Kathryn Murphy  
Gary Priebe  
Terrance Townsend, Vice-Chair (left at 4:30 p.m.)  
Rita Venner

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Castenson Contested Case Appeal (Item 17) 4:00 p.m.

*Motion was made by Charlotte Mohr to approve the agenda with the added appointment. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS AMENDED

### APPROVAL OF MINUTES

*Motion was made by Dean McWilliams to approve the meeting minutes of December 21, 1998, as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

### DIRECTOR'S REPORT

Larry Wilson announced that Paul Johnson has been appointed Director of the DNR. He added that his last official day as Director was January 14. He stated that Paul Johnson is a very



competent individual and has great credentials. Mr. Wilson noted that Mr. Johnson sends his regrets that he cannot be present today as he had a prior commitment in Chicago.

Chairman Ehm stated that the Commission has certainly enjoyed working with Mr. Wilson and the way he dealt with them, adding that he has always treated the Commission very fairly even when they had differing opinions.

## FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

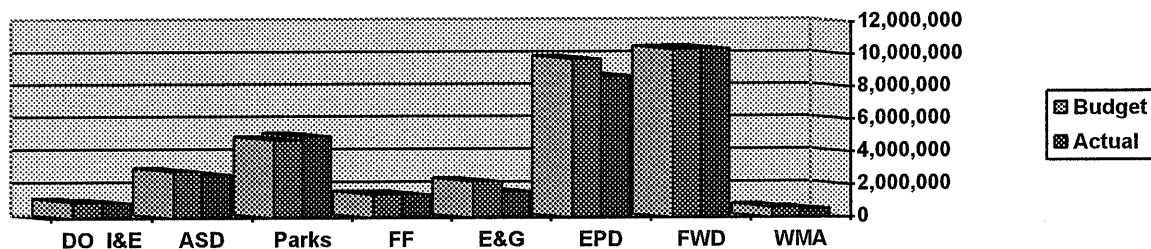
Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the division operational budget status report as of 12/31/98. Notes regarding particular issues are included in the report.

Monthly Operations Budget Status Report  
12/31/98

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Director's Office/Info & Ed	1,903,785	2,224,453	1,034,533	966,904	67,629
Administrative Services Div.	5,590,432	5,971,145	2,863,399	2,674,547	188,852
Parks, Rec. & Preserves Div.	9,446,101	9,639,283	4,799,457	5,011,321	(211,864)
Forests & Forestry Division	2,861,695	3,001,789	1,450,801	1,475,130	(24,329)
Energy & Geo Res. Division	3,797,839	5,099,220	2,253,529	1,673,267	580,262
EPD Division	17,657,140	21,562,618	9,759,572	8,721,861	1,037,711
FW Division	20,306,582	21,439,730	10,355,270	10,380,095	(24,825)
Waste Mngt Assistance Div.	1,524,107	1,599,444	662,594	581,945	80,649
	63,087,681	70,537,682	33,179,155	31,485,070	1,694,085

### December 98 Division Expenditure Status



Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Director's Office & Commissions	324,358	286,970	135,522	164,826	(29,304)
Permit Compliance Team	150,082	180,494	87,661	87,452	209
REAP Program	43,583	40,000	16,240	9,238	7,002
Policy Coordination	24,350	99,676	48,214	25,253	22,961
Total Director's Office	542,373	607,140	287,636	286,769	867
<b>Information &amp; Education Bureau</b>					
I&E General Operations	468,958	495,622	231,231	229,304	1,927
Conservationist Magazine	314,335	389,372	174,148	152,409	21,739
Education Center Programs	177,629	202,238	95,651	95,702	(51)
Aquatic Education	274,745	292,685	132,051	98,697	33,354
Fish and Wildlife Information	23,300	13,111	6,380	3,139	3,241
Energy Information	44,341	73,684	34,577	26,177	8,400
Groundwater Education	3,800	15,000	8,150	3,953	4,197
Waste Mngt Information	0	37,668	18,329	13,606	4,723

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319 Planning Information	12,755	41,930	20,276	28,935	(8,659)
Air Quality Title 5 Information	31,898	48,003	23,263	23,834	(571)
Education Workshops	4,442	8,000	2,840	3,762	(922)
Outdoor Learning	5,143	0	0	617	(617)
Hooked on Fishing	66	0	0	0	0
Total I & E Bureau	1,361,412	1,617,313	746,896	680,135	66,761
Total Director's Office/Info & Ed.	1,903,785	2,224,453	1,034,533	966,904	67,629

Note: The "under" in the Policy cost center offsets the "overage" in the Director's/Commission cost center. This involves splitting the Deputy's time that is not eligible for indirect cost reimbursement from the costs which are eligible.

## Administrative Services Division

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
State Central Services & Indirect	96,865	100,943	100,885	107,576	(6,691)
Budget and Finance Bureau	1,150,742	1,213,845	540,347	499,021	41,326
Administrative Services Bureau	1,395,968	1,548,590	731,636	637,686	93,950
Central Data Processing Bureau	874,571	824,278	397,809	408,251	(10,442)
Licensing Bureau	379,463	478,004	220,055	197,179	22,876
Construction Services Bureau	1,013,715	1,073,769	515,520	516,369	(849)
CSB-Park Road Design	87,484	59,464	28,935	23,290	5,645
Land Acquisition & Mngt Bureau	486,363	517,255	250,173	234,653	15,520
Division Mngt & Misc	105,261	118,119	57,083	50,522	6,561
Special Training & Technology	0	36,878	20,958	0	20,958
Total Administrative Services Div.	5,590,432	5,971,145	2,863,399	2,674,547	188,852

## Parks, Recreation and Preserves Division

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Parks Field Management	266,795	254,297	119,534	153,844	(34,310)
NW District Parks Operations	1,996,471	2,015,574	1,020,013	1,063,808	(43,795)
NE District Parks Operations	1,871,776	1,885,260	953,975	984,084	(30,109)
SE District Parks Operations	2,211,805	2,247,503	1,136,721	1,169,744	(33,023)
SW District Parks Operations	2,015,040	2,036,581	1,030,613	1,076,946	(46,333)
Parks & Preserves Programs & Mngt	703,158	697,020	331,810	348,749	(16,939)
Total Development Grants	75,720	72,052	35,600	60,003	(24,403)
Cedar Rock	146,968	140,166	70,921	70,891	30
Division Management & Misc.	136,440	129,113	61,724	71,419	(9,695)
Special IT Project	0	38,717	21,748	0	21,748
SRF Loan Repayment	7,928	75,000	0	6,574	(6,574)
Total Parks, Rec. & Preserves Div.	9,446,101	9,639,283	4,799,457	5,011,321	(211,864)

Note: The "overage" in this division relate primarily to facility and equipment maintenance costs exceeding YTD budget estimates. Staff anticipates increasing the camping receipt estimate which should offset much of this.

Six rangers are expected to retire. That will cost \$300,000 in SPOC benefits which is not budgeted. The DNR has requested a supplemental appropriation to cover this contingency.

## Forests & Forestry Division

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Forest Nursery Production	562,259	560,769	254,830	361,412	(106,582)
Forest Nursery Services	94,367	102,752	49,436	47,320	2,116
Shimek Forest	217,374	239,187	120,001	113,038	6,963
Stephens Forest	179,317	180,692	91,648	89,945	1,703
Yellow River Forest	235,513	255,706	127,720	112,934	14,786
Loess Hills Forest	171,520	170,027	84,569	101,442	(16,873)
Nursery & Forests Management	144,754	160,823	79,155	65,486	13,669
Farm Forestry Services	765,351	835,555	404,596	370,231	34,365
Trees For Kids Video	11,642	0	0	160	(160)
Trees For Kids Project	34,974	30,000	12,900	1,310	11,590
Forestry Services Management	331,063	311,136	149,890	156,828	(6,938)
Division Management	113,561	129,700	64,385	55,024	9,361
Special IT Project	0	25,442	11,673	0	11,673
Total Forests & Forestry Division	2,861,695	3,001,789	1,450,801	1,475,130	(24,329)

Note: The "overage" relates primarily to the purchase of seed and other agricultural supplies at the Nursery early in the fiscal year

## Energy & Geological Resources Division

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Energy Bureau:					
Biomass	79,721	81,620	37,375	34,524	2,851
SIFIC A	49,169	60,394	29,093	23,815	5,278

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SIFIC B	66,309	54,088	26,220	20,569	5,651
SIFIC Innovation Project	73,460	99,200	48,203	11,223	36,980
State Energy Program	537,322	596,958	288,725	269,410	19,315
SEP Industrial Technology	0	80,000	28,000	0	28,000
SEP Bldg Code #2	0	48,545	18,665	5,575	13,090
SEP FEMP 2	0	264,523	107,474	31,407	76,067
Soya Diesel	22,456	80,000	28,000	0	28,000
Building Code, Energy	3,000	8,000	2,800	4,350	(1,550)
Heating Oil & Propane Program	14,426	23,820	10,133	7,009	3,124
Energy Advancement	44,554	34,618	14,457	21,097	(6,640)
Greenhouse Gas	0	23,402	8,191	0	8,191
Greenhouse Gas #3	0	75,000	26,250	0	26,250
Federal Energy Bank	69,339	4,354	1,524	0	1,524
Energy/Education Study	28,363	19,389	6,786	16,073	(9,287)
Ethanol Seminar, Council of Gov's	21,877	50,000	17,500	0	17,500
Oil Overcharge - 3 Admin	198,502	229,316	108,866	73,979	34,887
EPA Risk Assessment Project	25,053	7,421	2,597	0	2,597
Rebuild Iowa	141,632	87,089	34,075	43,497	(9,422)
Rebuilding Iowa #2	0	98,426	37,219	6,951	30,268
SEP ENG Code	23,438	168,035	61,449	57,822	3,627
Federal Energy Mngt Program	31,194	59,996	20,999	4,947	16,052
Commercial Wind Energy	38,003	172,409	60,343	62,095	(1,752)
Wind Assessment	1,343	0	0	0	0
SEP Climate Wise	23,000	27,000	9,450	0	9,450
Ethanol Market Research	53,280	0	0	0	0
Total Energy Bureau	1,545,441	2,453,603	1,034,395	694,343	340,052

## Energy &amp; Geological Resources Division

Bureau Units	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Geology Bureau:					
Camp Dodge GIS Support	0	21,445	10,402	5,629	4,773
Camp Dodge Wetland	3,297	4,420	1,901	42	1,859
Camp Dodge Mapping	18,044	36,290	16,049	3,845	12,204
Floyd Cty ADW Project	12,663	16,699	7,394	14,160	(6,766)
Geology/Mineral Resources	369,792	426,707	205,861	177,216	28,645
Digital Mapping	100,132	19,386	8,619	16,308	(7,689)
Digital Survey	49,415	0	0	0	0
Wright Cty Monitoring	0	27,926	12,607	2,766	9,841
Hydrology/Environment	465,206	456,251	221,684	199,597	22,087
Livestock Regulation	0	76,001	36,982	24,873	12,109
State Mapping	31,342	149,367	67,497	70,778	(3,281)
SORC Water Reporting	0	0	0	438	(438)
Pesticide Mngt Project	28,442	35,756	17,466	16,697	769
Geology Information	232,408	246,497	120,434	79,946	40,488
Wellhead Protection	0	13,000	6,326	5,138	1,188
Big Springs Project	29,179	38,879	15,397	18,119	(2,722)
Geographical Info System	134,610	190,375	93,573	93,482	91
319 Planning - 91	24,092	21,164	9,126	3,033	6,093
319 Planning - 93	124,557	184,575	73,757	53,990	19,767
Walnut Creek Restoration	109,055	118,079	44,573	24,757	19,816
Wellhead Protection, EPA	52,139	59,934	26,838	34,573	(7,735)
USGS Coop. Agreement	155,492	156,154	54,654	0	54,654
Geology Bureau Mngt	216,821	234,159	112,575	86,773	25,802
Total Geology Bureau	2,156,686	2,533,064	1,163,712	932,160	231,552
Special Technology Initiative	0	10,826	6,355	0	6,355
Energy & Geological Div Mngt	95,712	101,727	49,067	46,764	2,303
Total Energy & Geological Resources Division	3,797,839	5,099,220	2,253,529	1,673,267	580,262

## Environmental Protection Division

Budget Units	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Water Quality Bureau:					
Wastewater (NPDES) Mngt	698,887	812,628	372,383	311,323	61,060
Storm Water Permitting	196,068	217,508	104,653	92,736	11,917
Livestock Permits (C. Office)	334,331	315,029	153,210	181,202	(27,992)
State Revolving Grant Mngt	253,525	389,594	188,786	160,427	28,359
GW County Grants Mngt	60,555	53,853	25,353	20,011	5,342
Water Monitoring Workshop	1,812	0	0	0	0
Streamflow Statistics Report	12,745	13,470	4,783	0	4,783
Data Design	0	42,105	14,737	0	14,737
GIS Locational Data	3,135	15,250	7,421	4,469	2,952
604B Water Planning	177,522	186,227	89,947	91,992	(2,045)
Floodplain Reg & Mngt(SW)	0	101,800	49,737	3,378	46,359
Floodplain Reg & Mngt(GF)	358,733	324,737	158,373	150,975	7,398
Total 319 Water Planning	1,617,721	1,478,404	563,834	642,932	(79,098)
Water Supply Regulation	967,609	1,184,899	555,010	559,436	(4,426)
Water Rights Administration	137,682	147,844	72,320	65,901	6,419
Operator Certification Support	42,109	104,540	40,283	24,182	16,101

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SRF Drinking Water Source	0	350,556	151,894	4,412	147,482
SRF Drinking Water Admin	0	78,776	37,748	12,819	24,929
SRF Drinking Water Tech	0	100,650	35,280	0	35,280
Well Contractor Permits	38,063	42,853	20,113	19,228	885
Public Wtr Supply Trng	0	10,000	3,500	0	3,500
Water Supply - Flood	12,000	0	0	0	0
Lab Certification	156,659	102,500	36,086	33,775	2,311
Stream Watershed Assessment	38,309	820	381	640	(259)
Total Water Quality	5,107,465	6,074,043	2,685,831	2,379,838	305,993

Air Quality Bureau:					
Air Quality Regulation & Planning	1,989,969	1,865,725	831,986	723,669	108,317
Air PM 2.5 Monitoring	107,407	544,105	195,265	279,428	(84,163)
Title V, Permitting, Enforcement	3,471,625	4,873,474	2,119,410	1,784,848	334,562
Total Air Quality Bureau	5,569,001	7,283,304	3,146,661	2,787,945	358,716

Land Quality Bureau:					
Waste Management	520,591	655,015	315,862	262,566	53,296
Solid Waste Authorization	52,304	63,473	30,523	24,300	6,223
GW Professional Registration	23,466	36,053	15,809	15,919	(110)
UST	225,783	297,868	141,975	126,683	15,292
LUST Cleanup	562,038	759,654	366,623	275,226	91,397
Hazardous Waste Siting	58,061	164,675	76,578	61,976	14,602
Remedial Activity	24,087	82,120	38,296	19,763	18,533
AIDEX Monitoring	37	5,000	2,015	3,559	(1,544)
Superfund Program Management	176,203	192,821	93,080	86,498	6,582
Multisite, Investigation & Assess	125,501	74,976	32,908	44,412	(11,504)
General Motors Site Mngt	30,228	55,626	27,168	9,595	17,573
Waste Tire Permitting	1,507	1,000	487	545	(58)
Emergency Response	183,286	215,899	104,731	92,781	11,950
LUST Field Support	0	0	0	136,952	(136,952)
BrownFields Initiative	1,271	0	0	0	0
BrownFields Development	97,586	0	0	0	0
Total Land Quality Bureau	2,081,949	2,604,180	1,246,055	1,160,775	85,280

Legal & Compliance Bureau:					
LUST Cleanup	540,509	580,746	283,269	240,965	42,304
Air Quality-Field Const. & Mngt	135,901	187,394	91,539	80,315	11,224
Air Quality-Field Title 5	402,937	538,070	262,785	240,506	22,279
Wastewater-Field	1,405,022	1,505,466	700,470	588,083	112,387
Water Supply-Field	646,629	661,994	321,186	319,200	1,986
Waste Mngt-Groundwater	634,634	715,766	350,448	313,446	37,002
Water Supply Technical Asst.	160,186	203,445	100,281	66,572	33,709
Livestock-Field	314,278	509,168	248,967	210,870	38,097
Legal/Compliance Mngt	435,135	491,260	223,379	215,591	7,788
Total Legal & Compliance Bureau:	4,675,231	5,393,309	2,582,326	2,275,548	306,778

EPD Division Mngt & Misc	223,494	207,782	98,699	117,755	(19,056)
Totals, EPD Division	17,657,140	21,562,618	9,759,572	8,721,861	1,037,711

Fish and Wildlife Division	FY98 Actual	FY99 A/BDGI	FY99YTD A/BDGI	FY99YTD Actual	Variance Under(Ovr)
Law Enforcement:					
NW Enforcement District	891,938	912,883	448,009	449,303	(1,294)
NW Enf. Boating Safety	28,697	25,900	11,174	14,236	(3,062)
NE Enforcement District	1,121,055	1,144,914	561,061	631,911	(70,850)
NE Enf. Boating Safety	13,482	11,500	4,945	4,072	873
SW Enforcement District	770,591	772,603	378,939	384,206	(5,267)
SW Enf. Boating Safety	23,800	6,800	2,924	1,819	1,105
SE Enforcement District	965,319	992,549	486,616	496,840	(10,224)
SE Enf. Boating Safety	12,440	16,000	6,880	15,906	(9,026)
NC Enforcement District	833,275	817,076	401,285	410,620	(9,335)
NC Enf. Boating Safety	17,662	16,700	7,181	11,380	(4,199)
SC Enforcement District	732,577	952,295	466,776	297,532	169,244
SC Enf. Boating Safety	241,243	52,120	28,547	185,413	(156,866)
Hunter Safety	410,608	360,787	169,042	205,487	(36,445)
Boating Safety	279,974	370,819	179,734	111,929	67,805
Snowmobile Safety	83,780	68,078	32,786	29,067	3,719
DPS AICO Grant	0	9,000	5,400	0	5,400
Big Creek Range Maint.	7,064	7,000	3,010	4,673	(1,663)
Boat Equipment Special	0	300,000	179,150	60,783	118,367
Cons. Law Bureau Mngt	223,941	448,401	213,993	215,770	(1,777)
Total Law Enforcement	6,657,446	7,285,425	3,587,452	3,530,947	56,505

Note: The "overage" in SC Boating Safety results from charging all boating safety salary costs to one cost center as a matter of accounting convenience. This does not reflect a general over expenditure.

Fisheries:  
Hatcheries:

Big Springs Fish Hatchery	218,264	224,517	108,732	95,439	13,293
Decorah Fish Hatchery	260,875	264,704	126,969	114,434	12,535
Fairport Fish Hatchery	155,124	165,642	80,304	79,871	433
Manchester Fish Hatchery	256,660	265,704	128,560	128,539	21
Rathbun Fish Hatchery	492,310	524,418	247,319	282,602	(35,283)
Spirit Lake Fish Hatchery	361,034	383,650	180,045	176,474	3,571
Total Hatcheries	1,744,267	1,828,635	871,930	877,359	(5,429)
Fisheries Management:					
NW District	602,267	643,465	314,574	299,172	15,402
NE District	659,233	669,545	331,434	340,374	(8,940)
SW District	502,013	515,410	256,182	250,255	5,927
SE District	528,977	562,155	281,017	262,846	18,171
Total Fisheries Management	2,292,490	2,390,575	1,183,206	1,152,647	30,559
Fisheries Research:					
Mississippi Monitoring	328,018	344,744	170,204	145,619	24,585
Aquatic Education Project	151,318	101,479	50,402	63,897	(13,495)
Milfoil Project	75,159	100,927	36,264	33,076	3,188
Bellevue Fisheries Research	176,869	181,837	90,388	87,453	2,935
Chariton Fisheries Research	277,517	273,084	136,754	125,198	11,556
Cold Springs Fisheries Research	137,688	129,318	64,293	70,845	(6,552)
Bozeman Project	0	12,000	4,200	0	4,200
Manchester Fisheries Research	126,578	128,728	64,505	73,453	(8,948)
Fish Production Drug Study	20,000	20,000	20,000	20,000	0
Rathbun Fisheries Research	154,394	167,931	81,206	79,902	1,304
Spirit Lake Fisheries Research	144,384	138,177	69,199	78,691	(9,492)
MARIS Study	0	10,000	3,500	0	3,500
Total Fisheries Research	1,591,925	1,608,225	790,916	778,134	12,782
Fisheries Bureau Mngt	461,215	528,482	228,767	175,223	53,544
Total Fisheries Bureau	6,089,897	6,355,917	3,074,820	2,983,363	91,457
Wildlife Bureau:					
Wildlife Area Maint & Mngt:					
NW District Operations	1,096,763	1,096,021	522,253	516,241	6,012
NE District Operations	1,009,561	1,011,560	482,916	489,768	(6,852)
SW District Operations	1,026,006	1,060,938	505,344	493,021	12,323
SE District Operations	1,200,085	1,267,609	604,546	619,992	(15,446)
Wetlands Project Support	15,317	1	0	0	0
Wildlife Area Maint & Mngt	4,347,732	4,436,129	2,115,060	2,119,022	(3,962)
Corps WMA Areas, Cond 5:					
Saylorville Cond 5 WMA	44,719	36,603	17,753	18,572	(819)
DM River Cond 5 WMA	18,788	12,500	6,553	3,578	2,975
Missouri River Cond 5 WMA	0	4,000	1,720	1,348	372
Red Rock Cond 5 WMA	107,526	160,227	73,407	140,545	(67,138)
Coralville Cond 5 WMA	39,799	51,962	24,937	19,121	5,816
Riverton Cond 5 WMA	1,500	0	0	3,046	(3,046)
Rathbun Cond 5 WMA	39,030	30,153	14,394	17,872	(3,478)
Total Corps WMA Mngt	251,362	295,445	138,764	204,082	(65,318)
Total WMA Maint & Mngt	4,599,094	4,731,574	2,253,824	2,323,104	(69,280)
Wildlife Research:					
Boone Research, State	132,208	190,964	92,390	67,694	24,696
Boone Research, Federal	107,845	134,551	65,574	56,187	9,387
Chariton Research, State	56,451	77,478	38,542	40,179	(1,637)
Chariton Research, Federal	131,166	128,990	63,415	40,553	22,862
Clear Lake Research, Federal	169,898	144,004	71,180	67,330	3,850
Clear Lake Research, State	115,378	86,560	43,227	61,078	(17,851)
Wildlife Diversity Project	226,346	252,892	119,022	111,690	7,332
Harvest Information Program Grant	12,018	40,000	17,200	0	17,200
Total Wildlife Research	951,310	1,055,439	510,550	444,711	65,839
Prairie Seed Project	0	0	0	48,917	(48,917)
Wildlife Depredation Mngt	137,672	166,497	83,348	56,301	27,047
Wildlife Bureau Mngt & Misc	1,441,247	1,435,855	668,687	787,770	(119,083)
Total Wildlife Bureau	7,129,323	7,389,365	3,516,409	3,611,886	(95,477)
FW Division Mngt & Misc	429,916	409,023	176,590	204,982	(28,392)
Total FW Division	20,306,582	21,439,730	10,355,270	10,380,095	(24,825)

Note: The division's "coverage" relates primarily to major expenditures from Corps "condition 5" related funding at Red Rock

#### Waste Management Assistance Division

Budget Units	FY98 Actual	FY99 A/BDGI	FY99YTD A/BDGI	FY99YTD Actual	Variance Under(Ovr)
Buy Recycled Business Alliance	1,500	1,500	673	0	673
Planning & Grants	197,986	172,650	75,607	71,060	4,547
Landfill Alternatives	135,231	156,416	72,897	48,970	23,927
Waste Tires Program	44,427	54,438	25,967	22,390	3,577
Waste Recycling	277,330	289,774	128,722	113,042	15,680
Household Hazardous Waste Adm	225,297	266,668	112,458	75,627	36,831
Waste Reduction Assistance	122,153	159,303	75,260	56,360	18,900
PPIS Set Aside	0	26,470	9,782	0	9,782
Pollution Prevention (WRAP)	180,557	69,100	29,082	47,393	(18,312)
Pollution Prevention (WRAP)2	0	120,200	1,032	0	1,032

Waste Reduction Program	23,182	5,100	2,193	20,875	(18,682)
Solid Waste Reduction Grant	15,124	0	0	11,934	(11,934)
Collection Efficiency Project	0	17,500	5,250	0	5,250
Sustainable Conference	24,000	0	0	0	0
WMA Division Mngt	277,320	260,325	123,671	114,294	9,377
Waste Mngt Assistance Totals	1,524,107	1,599,444	662,594	581,945	80,649

Mr. Kuhn reviewed the status reports for each division.

Discussion followed regarding various items in the budget

### **LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM APPLICATIONS**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department received seventeen (17) applications, requesting \$3,385,461 million in financial assistance, for consideration during the December 1998 round of funding. Approximately \$900,000 is available to award to selected applicants. A summary of each application is attached for the Commission's information.

Application summaries identify the amount and type of funding assistance as requested by the applicant. The appropriateness of the type of financial assistance requested (grant vs. loan) is subject to change based on the following:

Projects eligible to receive grant assistance include: 1) projects that have public education as the primary focus on such topics as waste reduction and recycling; 2) projects that reduce, avoid or eliminate the generation of solid waste at the source; 3) projects that develop new technologies in managing solid waste; and 4) projects that implement an existing solid waste management technology for the first time in Iowa.

Projects eligible to receive zero interest loan assistance include: 1) projects that do not fit any of the above project categories; 2) combustion with energy recovery projects; 3) combustion for volume reduction projects; 4) projects that involve expansions or improvements to an existing facility or operation using existing technologies; and 5) projects that replicate similar projects in Iowa.

Application review is scheduled to be complete by January 15, 1999. It is anticipated that project selections will be presented to the Commission for approval beginning with the February Commission meeting.

(A copy of the summary of applications is on file in the department's Records Center)

Ms. Stanley reviewed that last month the Commission begun the process of the new LAFA rules and related this will be the last round of applications under the old rules. Under the new rules there is an advisory committee who recently met, and a subcommittee is in the process of reviewing the evaluation criteria. The full advisory committee will meet on February 1, and the

public hearing is scheduled for February 17. Ms. Stanley noted that in regard to the current round of applications the review committee made recommendations and 17 applications are being presented. She expanded on details of the grant/loan applications.

Discussion followed regarding the grant using baled tires for stream crossings and whether or not that has been tried before. Also discussed was the Army Munitions Recycling Facility request and why the federal government does not supply the money for that project; the ~~Specialty Fuel Blending request; the Scrap Tire Recycling request; the Software Development~~ on Strategies for Recycling Scrap Tires; and the cost of the dishwasher in the Nutrition Program of the Elderly request.

INFORMATIONAL ONLY
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## **RESEARCH THE IMPACTS OF COMPOST AMENDED SOILS ON SOIL EROSION AND REVEGETATION AT HIGHWAY CONSTRUCTION SITES - CONTRACT APPROVAL**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department is requesting approval to enter into a contract, subject to satisfactory negotiation of budget, match and deliverables, with Iowa State University to conduct research on the impacts of compost amended soils on erosion and revegetation at Iowa Department of Transportation highway construction sites. The research contract with Iowa State University will not exceed \$193,000.

### **Background**

To reduce the potential environmental impacts of landfilling large quantities of solid waste, the 1989 Iowa Legislature established a 50% reduction goal in the amount of solid waste buried in Iowa landfills. To achieve this statewide goal, many governmental units have established solid waste composting facilities for yard and garden wastes, sewage sludge, and other organics that were disposed of largely through landfilling in the past.

The rapid increase in the number of composting facilities in Iowa, and in the amount of composted organics being produced, has created a need for market development projects that highlight the value of composted organics, a product whose characteristics and value are new to many potential users.

### **Project Goals & Objectives:**

To build market potential for composted organics and reduce soil erosion, the Iowa Department of Natural Resources (IDNR) and the Iowa Department of Transportation (IDOT) have asked Iowa State University to evaluate the effects of using composted organics as a soil amendment to aid in re-vegetating and stabilizing soils adjacent to road construction projects.

Specific project objectives include:

1. Measure and compare the quantity and quality of roadside vegetation (grasses) grown on conventionally-treated roadway foreslopes with that produced on foreslopes amended with composted organics produced in Iowa;
  2. Measure and compare soil characteristics, runoff quantity, and soil erosion occurring on conventionally-treated roadway foreslopes with that occurring on foreslopes treated with composted organics;
- 
3. Utilize field measurements of soil erosion to calculate interrill and rill soil erodibility factors that can be used with the USDA Water Erosion Prediction Program to model and predict the effects of compost utilization on water erosion under a variety of Iowa climatic scenarios.

The project findings will identify methods of using compost to reduce erosion and increase revegetation on highway construction sites, agricultural lands and home and business construction sites.

**Principal Investigators:**

Dr. Tom Glanville, Dept. of Agricultural & Biosystems Engineering, Iowa State University  
Dr. Tom Richard, Dept. of Agricultural & Biosystems Engineering, Iowa State University  
Dr. John Laflen, National Soil Tilth Laboratory

**Supporting Agencies:**

Iowa Department of Natural Resources  
Iowa Department of Transportation  
Iowa State University  
National Soil Tilth Laboratory  
City of Davenport Composting Facility  
City of Sioux City Composting Facility  
Bluestem Solid Waste Agency Composting Facility – Cedar Rapids

At this time, the Commission is requested to approve the Department entering into a contract with Iowa State University subject to satisfactory negotiation of budget, match and deliverables.

Ms. Stanley presented details of the contract and noted that she is asking approval to enter into the contract subject to final negotiations. She related that at this point she is not sure how much money DOT will be contributing to the project. She added that staff feel it is important that DOT show some commitment and would like to see them contribute one-third of the money.

Gary Priebe asked why the DOT does not contribute one-half of the funds.

Ms. Stanley replied that the department could request that amount from the DOT.

Brief discussion followed with several Commissioners agreeing with Commissioner Priebe.



*Motion was made by Gary Priebe to approve the contract with the stipulation that the DOT provide funds to match 50% of the total project. Seconded by Charlotte Mohr.*

Discussion followed in regard to the 50% match of funds and possibly tying the hands of staff if DOT only agrees to 49% or less.

Ms. Stanley asked the Commission to allow her the indulgence, if DOT will not agree with 50%, to then come back to work it out with the Commission.

*Vote on the motion carried unanimously.*

**APPROVED AS AMENDED**

## **PUBLIC PARTICIPATION**

Chairman Ehm announced Public Participation at 1:30 p.m.; no one requested to speak.

## **REGIONAL COLLECTION CENTER CONTRACT APPROVAL**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve two (2) regional collection center contracts. The Department is preparing to enter into contracts with the Council Bluffs Department of Public Health and Clinton County Area Solid waste Agency for establishing a new regional collection center and expanding the existing regional collection center's service area respectively.

Regional Collection Centers are permanent facilities that provide hazardous waste management education and on-going access to proper disposal of hazardous materials generated by conditionally exempt small quantity business generators and urban and rural households.

Since 1994, eleven (11) regional collection centers have been sited across Iowa. Nine (9) of these facilities are currently operating and the remaining two RCCs are anticipated to be operational in 1999. Seven of the regional collection centers currently operate a mobile collection unit and the remaining four anticipate incorporating a mobile collection unit in the near future. Mobile collection units allow the operating agency to host a hazardous waste clean-up event in every town in their service area. By holding these events in each town, local participation significantly increases by decreasing travel. Incorporating the use of mobile collection units is stressed by the Department to all prospective regional collection center applicants.

In Fiscal Year 1998, regional collection centers received hazardous waste from more than 14,600 households and conditionally exempt small quantity generators. Nearly 1.3 million pounds of hazardous wastes was collected for proper management and disposal. Approximately 50 percent of these hazardous materials were managed locally (i.e. latex paint, used oil and lead-

acid batteries were managed locally for recycling or reuse). Hazardous waste not managed locally was collected by various hazardous waste haulers for out of state landfill disposal or fuel blending.

At this time, two Regional Collection Center contracts are presented to the Commission for approval.

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**Clinton County Area Solid Waste Agency****Regional Collection Center Service Area Expansion (Jones County)****Proposed Service Area: Cedar Clinton Jackson Jones Counties****Award: \$58,701****Cash Match: \$1,288**

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**Project Description**

The Contractor will construct a structure or structures needed to accept additional hazardous materials by adding Jones County to the regional collection center service area (RCC). The Contractor will update and develop new educational programs within Cedar, Clinton, Jackson and Jones Counties.

**RCC Operation**

The contractor will collect hazardous wastes from urban and rural households as well as conditionally exempt small quantity generators (CESQG). Households will not be directly charged for the disposal of their hazardous wastes. The RCC shall require payment from CESQGs who bring in an amount of hazardous waste greater than 10 pounds.

A mobile collection vehicle is used to go to each community in the service area for collection of hazardous materials and transport back to the regional collection facility for processing and storage until such time that a hazardous waste contract removes these hazardous materials for final disposal.

**Education Program, Households**

The RCC will update and continue to develop the center's education program stressing identification of household hazardous materials, source reduction, and the proper disposal of household hazardous wastes. The education program will show a commitment to working with local schools and libraries while promoting the Retailer's Consumer Education Program. The RCC's education program shall aggressively educate the local population about household hazardous materials through a variety of message delivery mechanisms.

**Education Program, Conditionally Exempt Small Quantity Generators**

The RCC will establish an education program that will facilitate access to the appropriate technical information to assist CESQGs with source reduction, appropriate management, and disposal options for hazardous materials.

**Project Measures**

The Contractor shall document and monitor:

- the number of households participating in collection events;

- the number of CESQGs participating in collections;
  - the quantity and categories of HHM collected;
  - the quantity and categories of CESQG hazardous wastes collected;
  - the types and number of media presentations (i.e. newspaper, radio, television, cable access stations and others.);
  - the number of HHM educational materials distributed and provide the Department samples of these materials;
  - the number, names of groups, and attendance of public awareness meetings conducted;
  - the number of school HHM presentations and/or curriculum meetings
- 
- the titles of educational materials distributed to libraries
  - the number of libraries receiving materials
  - the number of HHM retailers contacted and the results of meetings with HHM retailers about the Retailers Consumer Education Program
  - the number of CESQG workshops and or one-on-one meetings held in the Project Area
  - the number of CESQG businesses represented at the CESQG workshops
  - the number and examples of CESQG educational materials distributed
  - the level of revenues and expenditures associated with the Project

Monitoring results shall be reported in quarterly and final reports to the Department.

### ATTACHMENT A PAYMENT AGENT AND BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
<b>Education</b>			
Grades K-12 Books and Video	\$ 400	\$ 400	\$ 800
Libraries Books and Video	225	225	450
Youth/Adult Groups, Brochures	500	500	1,000
Promotional Material	162	163	325.00
Education Total	\$1,287	\$1,288	\$2,575
<b>Expansion</b>			
Satellite Sites	\$21,504	\$0	\$21,504
Building	31,250	0	31,250
Equipment	3,570	0	3,570
Training	1,090	0	1,090
Expansion Total	\$57,414	\$0	\$57,414
<b>Budget Total</b>	<b>\$58,701</b>	<b>\$1,288</b>	<b>\$59,989</b>

Equipment includes Safety, Testing and Personal Protective Equipment

**Council Bluffs Department of Public Health**

**Regional Collection Center Establishment****Proposed Service Area: Pottawattamie County (initially)**

**Potential future expansion into Harrison, Cass, Mills, and Montgomery Counties**

**Award: \$100,000****Match: \$69,728**

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**ARTICLE V. SCOPE OF WORK**

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

**Project Description**

The Contractor will establish a regional collection center with a mobile collection unit and accompanying public education program serving, at a minimum, Pottawattamie County. The Contractor shall continue to investigate and negotiate expanding the service area to include other Iowa counties in the region.

**RCC operation**

The contractor will collect hazardous wastes from urban and rural households as well as conditionally exempt small quantity generators (CESQG). Households will not be directly charged for the disposal of their hazardous wastes. The RCC shall require payment from CESQGs who bring in an amount of hazardous waste greater than 10 pounds.

A mobile collection vehicle is used to go to each community in the service area for collection of hazardous materials and transport back to the regional collection facility for processing and storage until such time that a hazardous waste contract removes these hazardous materials for final disposal.

**Education Program, Households**

The RCC will develop an education program stressing identification of household hazardous materials, source reduction, and the proper disposal of household hazardous wastes. The education program will show a commitment to working with local schools and libraries while promoting the Retailer's Consumer Education Program. The RCC's education program shall aggressively educate the local population about household hazardous materials through a variety of message delivery mechanisms.

**Education Program, Conditionally Exempt Small Quantity Generators**

The RCC will establish an education program that will facilitate access to the appropriate technical information to assist CESQGs with source reduction, appropriate management, and disposal options for hazardous materials.

**Project Measures**

The Contractor shall document and monitor:

- the number of households participating in collection events;
- the number of CESQGs participating in collections;
- the quantity and categories of HHM collected;
- the quantity and categories of CESQG hazardous wastes collected;
- the types and number of media presentations (i.e. newspaper, radio, television, cable access stations and others.);

- the number of HHM educational materials distributed and provide the Department samples of these materials;
- the number, names of groups, and attendance of public awareness meetings conducted;
- the number of school HHM presentations and/or curriculum meetings
- the titles of educational materials distributed to libraries
- the number of libraries receiving materials
- the number of HHM retailers contacted and the results of meetings with HHM retailers about the Retailers Consumer Education Program
- ~~the number of CESQG workshops and or one-on-one meetings held in the Project Area~~
- the number of CESQG businesses represented at the CESQG workshops
- the number and examples of CESQG educational materials distributed
- the level of revenues and expenditures associated with the Project

Monitoring results shall be reported in quarterly and final reports to the Department.

### ATTACHMENT A

#### PAYMENT AGENT AND BUDGET

Payment made to:

Council Bluffs Department of Public Health  
209 Pearl Street  
Council Bluffs, Iowa 51503

ITEM	DNR GRANT	COST SHARE	TOTAL
3 Year Education Program	\$ 13,100	\$ 13,100	\$ 26,200
Construction & Building Renovation	\$ 35,000	0	\$ 35,000
Truck & Mobile Unit	\$ 45,000	0	\$ 45,000
Equipment	\$ 4,900	0	\$ 4,900
Utilities and Insurance	0	\$ 7,800	\$ 7,800
Maintenance and Transportation	0	\$ 4,200	\$ 4,200
Barrels, Disposal & Labor Costs	0	\$ 43,128	\$ 43,128
Staff Training	\$ 2,000	\$ 1,500	\$ 3,500
<b>Total</b>	<b>\$ 100,000</b>	<b>\$ 69,728</b>	<b>\$ 169,728</b>

Equipment includes Safety, Testing and Personal Protective Equipment

Ms. Stanley displayed an overhead map showing the location of the proposed new RCC's in Council Bluffs and Clinton County.

Brief discussion followed.

*Motion was made by Charlotte Mohr to approve the Regional Collection Center Contracts. Seconded by Terrance Townsend.*

Brief discussion followed regarding whether the Council Bluffs center will be taking materials from the Omaha area.

*Vote on the motion carried unanimously.*

**APPROVED AS PRESENTED**

## MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

## RULEMAKING STATUS REPORT January 1, 1999

PROPOSAL	NOTICE TO COMM	NOTICE PUBLISH	RULES REVIEW COMM	HEARING	FINAL SUMMARY TO COMM	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM	RULE EFFECTIVE
1. Ch. 12 - Environmental Audits	9/21/98	10/21/98	11/10/98	11/10/98	12/21/98	12/21/98	1/13/99	*2/08/99	*2/17/99
2. Ch. 20, 21, 22, 23 & 25 - NESHAPS, Internal and Corrections Clarifications	*2/15/99	*3/10/99	*4/06/99	*4/ /99	*5/17/99	*5/17/99	*6/16/99	*7/06/99	*7/21/99
3. Ch. 55 - Aquifer Storage and Recovery	*2/15/99	*3/10/99	*4/06/99	*4/ /99	*5/17/99	*5/17/99	*6/16/99	*7/06/99	*7/21/99
4. Ch. 60, 62 & 63 - Water Quality Rule Updates	Adopted	And Filed	Without	Notice	1/19/99	*1/19/99	*2/10/99	*3/9/99	*3/17/99
5. Ch. 65 - Animal Feeding Operation Rules	11/19/98	12/30/98	1/05/99	1/19-22/99	*2/15/99	*2/15/99	*3/10/99	*4/06/99	*4/14/99
6. Ch. 209 - Landfill Alternative Financial Assistance Program	12/21/98	1/13/99	*2/08/99	*2/17/99	*3/24/99	*3/24/99	*4/01/99	*4/09/99	*5/26/99

**VARIANCE REPORT - DECEMBER 1998**

Item	Facility	Program	Subject	Decision	Date
1	Oelwein, City of-Hallmark Apartment Complex	Wastewater	Sewer Grade	Approved	12/17/98
2	Union County-Pedestrian Bridge in the City of Creston	Flood Plain	Freeboard	Approved	12/08/98
3	South Central Iowa Solid Waste Agency Landfill-Marion County	Solid Waste	Groundwater Monitoring	Approved	12/09/98

**SPILL RESPONSE REPORT**

From December 1, 1998, through December 31, 1998, 42 reports of hazardous conditions were reviewed.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling & Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct	52(70)	28(37)	11(17)	13(16)	20(28)	2(6)	24(28)	1(5)	0(0)	5(3)
Nov	57(44)	35(25)	9(9)	13(10)	30(15)	2(3)	23(23)	0(2)	0(0)	2(1)
Dec	41(52)	23(27)	5(19)	13(6)	21(21)	2(4)	15(22)	1(4)	0(0)	2(1)

(numbers in parentheses for the same period in fiscal year '98)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
3	6	9	6	7	10

**ENFORCEMENT REPORT UPDATE**

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Kind & Knox Gelatine, Inc. Sioux City (3)	Wastewater	Discharge Limits	Consent Order/ Penalty \$10,000	12/01/98
Duane Hanson d/b/a Cedar Valley Tire Recycling, Allamakee Co. (1)	Solid Waste	Illegal Disposal	Order/Penalty \$5,000	12/03/98
Lynch Livestock, Inc. Florenceville (1)	Drinking Water	MCL - Bacteria - Acute	Order	12/03/98
Farmers Cooperative Society, Sioux Center (3)	Animal Feeding	Prohibited Discharge - General Criteria	Order/Penalty \$3,000	12/09/98

	Operation				
James Verdoorn, Sioux Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; General Criteria	Order/Penalty \$3,000	12/10/98	
IES Utilities, Inc. – 6 <sup>th</sup> St. Station, Cedar Rapids (1)	Wastewater	Discharge Limits	Order	12/10/98	
New Horizon Residential, Cedar Co. (6)	Drinking Water	MCL – Bacteria	Order	12/11/98	
Aeroplane Inn, Honey Creek (4)	Drinking Water	Permit Renewal Fee	Order/Penalty \$1,125	12/11/98	
Outer Limits Quik Mart, Woodbine (4)	Drinking Water	Permit Renewal Fee	Order/Penalty \$100	12/16/98	
Aluminum Company of America, Davenport (6)	Wastewater	Discharge Limits	Consent Order/ Penalty \$1,000	12/16/98	
Bernadette Ryan, Delaware Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement, Open Feedlot; General Criteria	Order/Penalty \$3,000	12/16/98	
Regency West Subdivision, Dubuque (1)	Drinking Water	MCL – Bacteria	Order	12/23/98	
Twin Pines Co., Van Buren Co. (6)	Animal Feeding Operation	Prohibited discharge – Confinement; General Criteria	Order/Penalty \$2,000	12/23/98	
West Burlington, City of (6)	Wastewater	Discharge Limits	Order	12/23/98	
Mark Geerdes, Kossuth Co. (2)	Solid Waste	Illegal Disposal	Consent/Order Penalty \$550	12/18/98	
Ken Frese, South English (6)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Referred to AG	12/21/98	
Wareco Systems of Iowa, Inc., Burlington (6)	Underground Tank	Recordkeeping	Order/Penalty \$6,100	12/23/98	
Brainard Pig, Inc., Harrison Co. (4)	Animal Feeding Operation	Construction Without Permit; Separation Distance	Order/Penalty \$250	12/28/98	
Estherville, City of (3)	Wastewater	Compliance Schedule; Discharge Limits	Order	12/29/98	
Mediapolis, City of (6)	Drinking Water	MCL – Bacteria	Order	12/29/98	
J Wood Park,	Drinking	Monitoring/Reporting –	Order/Penalty	12/28/98	



Garnavillo (1)	Water	Nitrate		\$100		
Koch's Meadow Lake Campgrounds, Cedar Co. (6)	Drinking Water	Monitoring/Reporting Bacteria, Nitrate	-	Order/Penalty \$200	12/28/98	
Super 20 Mobile Home Park, Dubuque (1)	Drinking Water	Monitoring/Reporting Other (Lead and Copper)	-	Order/Penalty \$1,000	12/28/98	
Otter Creek Station, Dubuque Co. (1)	Drinking Water	Monitoring/Reporting Bacteria, Nitrate	-	Order/Penalty \$325	12/28/98	
Lonnie King, Marion Co. (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal		Order/Penalty \$1,600	12/28/98	
Jeremy Fisher, Marion Co. (5)	Solid Waste	Illegal Disposal		Order	12/28/98	
Russ Winkowitsch, Butler Co. (2)	Flood Plain	Construction Permit	Without	Order/Penalty \$500	12/28/98	
Phillips Recycling; Phillips Story Co. (5)	Jeff Wastewater	Stormwater; Without Permit	Operation	Order/Penalty \$1,500	12/28/98	

#### SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Norman Klynsmas d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Searsboro, City of	WW	2,500	11-08-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
David Kramer (Camanche)	UT	600	5-03-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96

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Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Orrie's Supper Club, Inc. (Hudson)	WS	650	7-15-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	8-01-96
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Mark Anderson d/b/a Westside Park for Mobile Homes; M A, Inc. (Burlington)	AQ/SW	1,000	1-03-97
J.F.V. Corporation; Frank Hawk; Sharon Hawk (Prole)	UT	600	2-19-97
Hofer's Danceland Ballroom (Walford)	WS	3,188	4-19-97
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,530	6-05-97
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000	7-29-97
South Park Mobile Home Park (Iowa Falls)	WW	1,000	1-04-98
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
# Harold Unternahrer (Washington Co.)	AFO	3,000	4-06-98
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	5-01-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	2,000	7-01-98
# Troy Hanson (Wright Co.)	AFO	1,500	8-14-98
Big Ten Mart/Truck Stop (Lowden)	WS	5,000	8-17-98
# Rodney Mullins (Humboldt Co.)	AFO	500	8-22-98
Albert Fleming (Clayton Co.)	FP	2,000	9-06-98
Oakland Mills Store (Mt. Pleasant)	WS	200	9-07-98
# Vande Haar Dairy Farm (Marion Co.)	AFO	3,000	9-15-98
Kalona Golf Club (Washington Co.)	WS	250	10-31-98
* Milton, City of	SW/AQ	750	11-01-98
Mike's Fisherman's Wharf (Dubuque)	WS	2,500	11-01-98
Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	500	11-02-98
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
Tyler Excavating; Fred Knosby (Warren Co.)	SW	1,000	11-08-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Randy Harbach d/b/a Randy's Sanitation (Delaware Co.)	SW	5,000	11-22-98
* Gary Lund Construction (Eagle Grove)	SW	1,875	12-01-98
# Sparboe Eagle, LLC (Wright Co.)	AFO	3,000	12-07-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,500	1-15-99
# Klinton & Lynn Patterson dba Lynn's Farm (Hancock Co.)	AFO	3,000	12-21-98
The Heights (Monticello)	WS	500	12-28-98
The Sportsmen (Oelwein)	WS	500	12-28-98
*R.V. Hopkins, Inc. (Davenport)	AQ	15,200	1-16-99
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Aeroplane Inn (Honey Creek)	WS	1,125	2-16-99
# James Verdoorn (Sioux County)	AFO	3,000	-----
# Farmers Co-Operative Society (Sioux Center)	AFO	3,000	-----
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Outer Limits Quick Mart (Woodbine)	WS	100	-----
Aluminum Company of America (Davenport)	WW	1,000	1-17-99
# Bernadette Ryan (Delaware Co.)	AFO	3,000	2-20-99
# Twin Pines Co. (Van Buren Co.)	AFO	2,000	-----
J Wood Park (Clayton Co.)	WS	100	-----
Koch's Meadow Lake Campground (Cedar Co.)	WS	200	-----

Super 20 Mobile Home Park (Dubuque)	WS	1,000	----
Otter Creek Station (Dubuque Co.)	WS	325	----
Lonnie King (Marion Co.)	AQ/SW	1,600	----
Mark Geerdes (Kossuth Co.)	SW	550	----
Russ Winkowitsch (Butler Co.)	FP	500	----
# Brainard Pig, Inc. (Harrison Co.)	AFO	250	----
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	----
Country Air Mobile Home Court (Benton Co.)	WS	400	----
Wee Willy's (Quasqueton)	WS	100	----
Full Moon Saloon (Jesup)	WS	500	----
West Union Cooperative Co. (West Union)	WW	10,000	----
Wareco System of Iowa, Inc. (Burlington)	UT	6,100	----
<b>TOTAL</b>		<b>187,913</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Carpenter Bar & Grill (Carpenter)	WS	725	9-27-96
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Charlie's Supper Club (Algona)	WS	100	8-01-98
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
Pewe Mercantile, Inc.; Dion Pewe (Grand Mound)	UT	10,000	9-20-98
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Gassman's MHP & Spruce Harbor Inn (Dubuque)	WS	4,500	12-26-96
<b>TOTAL</b>		<b>84,779</b>	

The following administrative penalties have been appealed:

Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
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Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Shell Rock Products, Inc. (Butler Co.)	AQ/SW	10,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800

Hidden Valley Mobile Home Park (Washington)	WW	2,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Dallas County Care Facility (Adel)	WW	2,500
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Ron Rupe (Polk Co.)	SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	4,000
Carroll, City of	WS	3,000
Camp Golden Valley (Lockridge)	WW	5,700
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Craig Burgin (Indianola)	UT	600
Wayne Johnson (Rockford)	AQ/SW	1,000
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Delaware County Landfill, Inc.	SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Country Pumpkin (Deloit)	WS	500
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Comm.	SW	10,000
Advanced Technologies Corp. (Waterloo)	AQ	7,500
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Stellar Industries, Inc. (Garner)	AQ	3,000
Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash (Merrill)	WW	5,000
Iowa Mold Tooling Co., Inc. (Garner)	AQ	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
Walnut Grove Water Company (Davenport)	WS	2,500
North Central Cooperative (Clarion)	WW/HC	2,000
# Iowa Select Farms, L.P. (Hardin Co.)	WW	1,500
Troy Elevator, Inc. (Troy)	WW/HC	4,000
# Austin J. DeCoster (Nursery 8) (Wright Co.)	WW	1,000
Sac City, City of	WW	4,000
Rockwell City, City of	WW	10,000
Ira and Debby Cooley; Karen Sauer (Keokuk Co.)	AQ/SW	1,000
Ed Engelbrecht d/b/a E & E Auto Salvage (Lee Co.)	AQ/SW	1,000
Enviro Safe Air, Inc. (Creston)	AQ	10,000
Pathway Christian School (Kalona)	WS	500
Pictured Rocks Methodist Camp (Monticello)	WS	700
Wiese Corporation (Perry)	AQ	5,000

Ben Haven Mobile Home Park	WS	5,500
# Verton S. Miller (Johnson Co.)	AFO	2,000
Rosebar Tire Shredding Center; Dan Schwitters (Vinton)	SW	10,000
Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	10,000
West Liberty, City of	WW	5,000
The Legacy Group, L.C. (Des Moines)	WW	10,000
The Elm's Corporation of Linn County (Cedar Rapids)	UT	4,700
Eagle Lane Corp. (Blue Grass)	WS	4,000
# Interstate Pork, Inc. (Cedar Co.)	AFO	3,000
John Janning (Carroll Co.)	AQ/SW	10,000
Steve Stout (Washington)	AQ/SW	5,000
Cinda L. Welk (West Liberty)	AQ	7,500
Barr Farm Venture; Mel Foster Co. Properties (Scott Co.)	WW	10,000
Casey's General Stores, Inc. (Johnston)	UT	8,000
Leland, City of; Arnold Ambrosen	WS/WS	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Underwood Motel (Underwood)	WS	4,000
Kraus's Serene Wooded Acres (Amana)	WS	500
Dennis Tasler (Webster City)	AQ	10,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
Dyersville Golf and Country Club (Dyersville)	WS	1,500
<b>TOTAL</b>		<b>522,075</b>

The following administrative penalties were paid last month:

Roy E. Hawkins (Newton)	SW	500
*R.V. Hopkins, Inc. (Davenport)	AQ	500
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	500
Dakota Mobile Home Park (Oxford)	WW	1,250
Waste Mgmt. & Design; Monfort, Inc. (Des Moines)	SW/WW	5,000
Bob Luke d/b/a D & R Tree Service (Washington)	AQ/SW	700
Warnke Construction Co.; Randean Warnke (Carroll Co.)	AQ/SW	3,000
Kind & Knox Gelatine, Inc. (Sergeant Bluff)	WW	10,000
Harold Knowler (Keokuk Co.)	AQ/SW	300
Holiday Mobile Lodge, Inc. (Johnson Co.)	AQ/SW	1,250
Fairfield, City of (Stipulated Penalty)	WW	2,170
<b>TOTAL</b>		<b>24,770</b>

The \$3,000 penalty assessed to Ritchie Industries, Inc. (Conrad), has been rescinded.

#### ATTORNEY GENERAL REFERRALS

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Advanced Technologies Corp. Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	6/20/97 6/05/98
Ballard, Randy		Construction		Referred	5/29/96

Fayette Co. (1)	Flood Plain	Without Permit	Order/Penalty	Petition Filed	6/05/98
Bodensteiner, Edward Des Moines <b>UPDATED</b>	(5) Under-ground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	8/17/98 12/22/98
Buringrud, Mark d/b/a Carpenter Bar and Grill Carpenter (2)	Drinking Water	Monitoring/ Reporting- Bacteria, Nitrate	Order/ Penalty	Referred Petition Filed	11/17/97 6/04/98
Clark, Doug d/b/a Charlie's Supper Club Livermore (2)	Drinking Water	Failure to Renew Permit; Monitoring/ Reporting	Order/ Penalty	Referred Petition Filed	7/20/98 9/24/98
DeCoster, A.J. Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Hearing on Pre-Trial Motion Order Denying Defendant's Motion Order Granting State's Motion State's Motion to Compel Hearing Order Granting State's Motion Trial  Closing Arguments Ruling (\$59,000/Civil) Defendant's Notice of Appeal Defendant's Brief Filed Defendant's Amended Brief Filed State's Brief Filed State's Amended Brief Filed Defendant's Reply Brief Filed	7/17/95 1/23/96 10/28/96 11/06/96 11/21/96 1/28/97- 2/06/97 2/11/97 2/21/97 3/05/97 3/28/97 9/05/97 4/04/97 9/05/97 9/24/97 1/12/98 1/22/98 2/19/98
DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
DeCoster, Austin J. Sow Unit #1 (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed State's Motion to Change Venue State's Motion to Consolidate Order Granting Motions Amended & Substituted Petition Filed Defendant's Motion for Partial Summary Judgment State's Motion for Partial Summary Judgment Hearing on Defendant's Motion for Partial Summary Judgment Hearing on State's Motion for Partial Summary Judgment Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for	1/22/97 4/24/97 4/28/97 4/28/97 4/28/97 5/19/97 7/14/97 8/04/97 8/11/97 8/25/97 9/02/97 9/04/97

## Environmental Protection Commission Minutes

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					Partial Summary Judgment Trial	9/16-18/97
					Ruling for State	1/15/98
					Defendant's Notice of Appeal	2/13/98
					Defendant's Proof Brief Filed	7/08/98
					State's Brief	10/08/98
DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)		6/20/97 3/20/98
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed		8/18/97 3/20/98
DeCoster, Austin J. Sow Unit #3 Hamilton Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred		12/15/97
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred		11/16/98
Farmers Hybrid Companies, Inc. Poweshiek Co. (1)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred		3/16/98
Flannegan Conservation Service; Hugh J. Flannegan Emmetsburg (3)	Solid Waste	Operation Without Permit	Referred to Attorney General	Referred		11/16/98
Freese, Ken South English (6) NEW	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/ Penalty	Referred		12/21/98
Gassman, Charles and Ruth d/b/a Gassman's MHP Dubuque (1) UPDATED	Drinking Water	Monitoring/ Reporting- Nitrate	Referred to Attorney General	Referred Petition Filed Consent Decree (\$1,000/Civil; 4,500/Admin. & Injunction)		6/15/98 10/01/98 12/11/98
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2)	Air Quality	Open Burning	Order/ Penalty	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Granted		1/20/98 8/25/98 9/28/98 10/26/98
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/ Penalty	Referred Petition Filed Entry of Default		12/18/95 4/18/96 11/01/96



Hidden Valley Mobile	Drinking Water	Monitoring/Reporting - Lead and Copper	Order/ Penalty	Referred	Petition Filed	1/20/98 9/29/98
Home Court Washington Co. (6)						
Huyser, James; Trust	Under-ground Tank	Site Assessment	Referred to Attorney General	Referred	Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Trucking Lovilia (5)						
LaFollette, James; Kurt	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/ Penalty	Referred		11/16/98
Douglas Marion Co. (5)						
Larson, Daryl Clinton Co. (6)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred	Petition Filed Trial Date	10/20/97 6/26/98 5/26/99
UPDATED						
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred		8/17/98
Martinez, Vincent d/b/a Martinez Service	Sewer Hazardous Condition	Remedial Action	Order/ Penalty	Referred	Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Davenport (6)						
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred	Petition Filed	12/15/97 10/02/98
Pewe Mercantile, Inc.; Dion Pewe Grand Mound (6)	Under-ground Tank	Insurance Violation; Site Check	Order/ Penalty	Referred		11/16/98
Postville Pork Postville UPDATED	(1) Waste water	Prohibited Discharge	Referred to Attorney General	Referred	Petition Filed Trial Date Consent Decree (\$1,000/Civil; \$9,000 Restitution)	5/20/96 7/09/97 11/04/98 11/02/98
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/ Penalty	Referred	Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Under-ground Tank	Insurance Violation	Order/ Penalty	Referred	Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
Schoenberr, R.B. d/b/a Long Branch Tavern	Drinking		Orders/	Referred	Petition Filed	6/20/97 6/04/98

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Monmouth (1) UPDATED	Water	Permit Renewal	Penalties	Dismissal	12/30/98
Tire Tech Environmental Systems, Inc. Muscatine (6)	Solid Waste	Tire Processing Permit Violations	Referred to Attorney General	Referred Petition Filed Hearing on Temporary Injunction Temporary Injunction	4/20/98 6/23/98 8/25/98 9/15/98
Tracy, Ronald d/b/a TRACE, Inc. Howard Co. (1)	Waste water	Prohibited Discharge	Referred to Attorney General	Referred Criminal Complaint Filed	11/17/97 11/26/97
Underwood, Paul d/b/a Underwood Excavating and Demolition Cedar Rapids (1)	Air Quality	Asbestos	Order/ Penalty	Referred Motion for Judgment	5/15/95 8/15/96
Village Realty Pottawattamie Co. (4)	Under-ground Tank	DNR Defendant	Defense	Petition Filed State's Motion to Dismiss	8/12/98 10/08/98
Weber Construction, Inc. Cascade (1)	Air Quality	Asbestos	Petition for Review	Petition Filed	11/19/98
White, Robert Jeff Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/ Penalty	Referred	4/20/98
Williams, Dean d/b/a Williams Oil Co. Stuart (4)	Under-ground Tank	Site Assessment	Order/ Penalty	Referred Petition Filed	10/20/97 9/24/98
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Under-ground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred	1/17/95 8/28/96 12/13/96 3/30/98

## CONTESTED CASES

Date received	Name of Case	Action Appealed	Program	Assigned To	Status
6-08-89	Shaver Road Investments	Site Registry	HW	Tack	Awaiting test results to amend consent order.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Tack	New draft consent order issued to company for approval..
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp (Council Bluffs)	Admin. Order	SW	Tack	Permit issued. District court suit dismissed. Field Office overseeing compliance. Progress reports received.
6-20-90	Des Moines, City of	NPDES Permit Cond	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97.
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of

					neighboring site.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Admin. Order/Penalty	SW	Tack	Settlement reached. Clean-up to be completed by 7/1/99. Awaiting dismissal of appeal.
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement close, 7/1/98.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Tack	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. Letter to attorney regarding appeal closure. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal.
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw County Sanitary Landfill	Admin. Order/Penalty	SW	Tack	Penalty paid. Settled.
9-21-92	ITWC	Admin. Order/Penalty	AQ	Preziosi	Sent to DIA.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Follow-up letter 3/96.
11-16-92	Frank Hulshizer	Admin. Order/Penalty	SW	Tack	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
4-05-93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96. Schedule received; under review by WW Permits.
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal.
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford	Admin. Order	UT	Womson	Tier 2 submitted.
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	New permits issued. Settled.
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Admin. Order/Penalty	AQ	Preziosi	Sent to DIA.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by 4/30/96. 5/96 - Follow-up letter sent. Response requested by 6/28/96. Follow-up letter sent. Response from company that appeal is being reviewed.
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	Admin. Order/Penalty	UT	Womson	Tanks closed. Property sold. Buyer not Fund eligible and bankrupt. Schedule for hearing.
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal - 4/96.
7-12-94	Tom Wiseman	Admin. Order/Penalty	UT	Womson	Appeal untimely. Follow-up letter sent. Fund eligible. Tier 1 initiated - overdue.
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	Admin. Order/Penalty	UT	Womson	Inability to pay. Failed to return required documentation. Letter sent 12/31/98.
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Womson	SCR accepted. Letter sent offering penalty negotiations 8/26/96. Free product report received 10/2/96.
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Admin. Order/Penalty	UT	Womson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin. Order/Penalty	AQ	Preziosi	3/1/96 - Amended order issued. Sent to DIA.
9-09-94	American Coals Corp., Site 5 (Bussey)	Admin. Order/Penalty	SW/AQ	Tack	Consent order sent to parties.
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to City regarding settlement.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Admin. Order/Penalty	UT	Womson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further assessment and free product removal.
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report.
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin. Order/Penalty	UT	Womson	Inability to pay - requested documentation -- no response. State lead -- tanks removed.
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95 - construction approved by WS section for chlorination equipment. 1/17/96 - Letter to City regarding resolution of appeal. No response as of 2/28/96. Dept. follow-up letter - 3/96. Response from City 4/8/96. Amended order issued 8/30/96.
1-11-95	Henry and Randy Krohn d/b/a Krohn Construction	Admin. Order/Penalty	AQ/SW	Tack	Penalty settlement reached. Final payment due 7/1/99.

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1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96.
3-23-95	American Coals Corp.	Admin. Order	SW	Tack	Awaiting consent order approval.
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Admin. Order/Penalty	HC/WW	Tack	Hearing continued. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-25-95	Fremont County SLF	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Tack	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96.
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Tack	Penalty settlement due 8/30/97.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96.
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Womson	Tanks removed. Report due.
7-10-95	Gilbert Persinger/Smithland Store	Admin. Order/Penalty	UT	Womson	SCR received - rejected. Review progress.
8-01-95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	Admin. Order/Penalty	UT	Womson	SCR received/rejected. Referral for state lead. Negotiating penalty.
8-18-95	Holiday Mobile Lodge, Inc.	Admin. Order/Penalty	AQ/SW	Tack	Penalty payment received 12/10/98. Closed.
8-24-95	Shell Rock Products, Inc.	Admin. Order/Penalty	AQ/SW	Preziosi	Settlement offer due 8/1/96.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for information. 6/96 - additional information received by WS staff for review. 7/96 - Request for variance, as modified, granted. 8/96 - Construction permit for new well granted. 10/96 - Letter to engineer regarding dismissal of appeal.
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin. Order/Penalty	SW	Tack	Sent to DIA to be set for hearing.
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty reduced. Decision appealed to EPC 6/6/97. Briefs due to EPC 9/4/97. ALJ decision upheld. Petition for review 11/19/98. Appealed to District Court.
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger; K & K Sanitation	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with FO #6. Receiving penalty payments.
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Kaizer	Settled.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Womson	Compliance initiated by Atlantic Bottling. Comingled with coal tar. Joint agreement with I.E.S.
1-08-96	Westside Park for Mobile Homes	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility inspection 2/28/96 by FO 6/.
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Sent to DIA.
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed.
1-22-96	Daryl Hollingsworth and Karen Hollingsworth d/b/a Medora Store	Admin. Order/Penalty	UT	Womson	Tanks removed. Property sold. Parties out-of-state. New owner not fund eligible/bankrupt. Schedule for hearing.
1-25-96	Hidden Valley Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's Building Supply	Admin. Order/Penalty	AQ/SW	Tack	Hearing held 12/8/98. Awaiting decision.
2-06-96	Russell Stagg	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section..
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from City's engineer. New waste load allocation and permit limits requested.
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscatine Community School	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review.
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	Consent order drafted.
5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 - Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement.

5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning Variance Denial	AQ	Preziosi	Settled.
6-10-96	DeCoster Farms of Iowa (19 sites)	Admin. Order	WW	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-10-96	DeCoster Farms of Iowa (5 sites)	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-19-96	Appanoose Co. Sanitary Landfill	Permit Modification Denial	SW	Tack	Hearing set for 6/29/98 - settlement pending.
6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. & Excavating	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	Permit Denial	WW	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	Admin. Order/Penalty	WW	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart	Admin. Order/Penalty	UT	Womson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile Home Park	Admin. Order/Penalty	WW	Clark	Settlement letter sent 9/25/98.
8/23/96	Waste Management & Design (Monfort)	Admin., Order/Penalty	WW/SW	Tack	Penalty payment received 12/23/98. Closed.
9/04/96	Ag Processing, Inc./Sheldon Facility	Permit Denial	AQ	Kaizer	Settled.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	Permit Revocation	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit Conditions	WW	Hansen	Negotiating before filing.
11/01/96	Joseph Barragy and Tom Barroy d/b/a J & M Woodshavings	Admin. Order/Penalty	AQ/SW	Tack	Cleanup complete. Negotiating penalty.
11/08/96	Carroll, City of	Admin. Order/Penalty	WS	Hansen	Returned to compliance.
11/25/96	Camp Golden Valley	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court.
12/05/96	Organic Technologies Corp. -----91-SDP-02-94P	Admin. Order/Penalty Intended Permit Revoc	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court.
1/02/97	Ruan Leasing Co., aka Ruan Transportation Management Systems	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/28/97	Ralene Hawkins d/b/a R J Express Salvage & Demolition; Clara Lindstadt	Admin. Order/Penalty	SW/AQ	Tack	Clean-up complete. Negotiating penalty.
2/07/97	Craig Burgin	Admin. Order/Penalty	UT	Womson	Compliance complete. Negotiating penalty.
2/19/97	Cliff's Place, Inc.	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/21/97	Farnland Foods, Inc. (Denison)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin. Order/Penalty	SW/AQ	Tack	Negotiating before filing.
3/20/97	Sylvan Acres	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd Behounek	Admin. Order/Penalty	SW/AQ	Tack	Negotiating before filing.
4/07/97	AGP, Inc. (Ag Processing, Inc.)	Permit Conditions	AQ	Kaizer	Settled.
4/10/97	Lehigh Portland Cement	PSD Permit Denial	AQ	Kaizer	Negotiating before filing.
5/07/97	Delaware County Landfill, Inc.	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
6/06/97	Carroll's Foods of the Midwest	Const. Permit Denial	WW	Clark	Negotiating before filing.
6/16/97	Ritchie Industries, Inc.	Admin. Order/Penalty	AQ	Preziosi	Penalty rescinded. Settled.
6/17/97	Bob Luke d/b/a D & R Tree Service	Admin. Order/Penalty	AQ/SW	Tack	Penalty payment received 12/3/98. Closed.
6/30/97	Linwood Mining and Minerals	Admin. Order	AQ	Preziosi	Negotiating before filing.
7/22/97	CIPCO	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
7/30/97	Country Pumpkin	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
7/31/97	Advanced Technologies Corp.	Admin. Order/Penalty	AQ	Kaizer	Settled. Awaiting penalty payment.
8/01/97	Dodger Enterprises Co., Tire Chop Division; Donald Grell	Admin. Order	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court.
8/05/97	Biovance Technologies	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Mgmt. Comm.	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
8/15/97	Ralston Purina Co.	Permit Conditions (25 permits)	AQ	Preziosi	Negotiating before filing.
8/18/97	Stellar Industries Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash	Admin. Order/Penalty	WW	Murphy	9/97 - Case on hold pending compliance
9/17/97	Keokuk Steel Castings	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/26/97	Walnut Grove Water Co.	Admin. Order/Penalty	WS	Hansen	Under review by WS section. Connection to water supply for City of Davenport completed.
10/6/97	North Central Cooperative	Admin. Order/Penalty	HC/WW	Murphy	11/98 - Site assessment approved.
10/6/97	Holnam, Inc.	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/7/97	Ottumwa, City of	Variance Denial	WW	Hansen	Informal meeting held 11/13/97. City submitted proposal. Letter sent to City accepting their proposal.
10/22/97	Lehigh Portland Cement Co.	Admin. Order	AQ	Preziosi	Negotiating before filing.
11/19/97	Troy Elevator, Inc.	Admin. Order/Penalty	WW/HC	Murphy	Site assessment conditionally approved 11/98.
12/02/97	Dows, City of	Admin. Order	WW	Hansen	F.O. 2 inspection 3/98. To be set for hearing. Letters received from City regarding progress on preliminary engineering report and stream study.
12/12/97	Donald E. Grell; Dodger Enterprises,	Notice of Intent to Revoke	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed

## Environmental Protection Commission Minutes

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	Tire Chop Division	Solid Waste Permit; Denial of Application for New Waste Tire Mgmt. Permit			9/21/98. Appealed to District Court.
12/22/97	Dave and Kristi Castenson; Donald Fields, Conservator for Thelma Pirie	Harcourt Variance	WW	Hansen	Hearing set for 7/20, 21/98. Hearings also held 8/20 and 8/28. Hearings completed. Briefs submitted 9/15/98. Proposed decision issued 10/6/98 in favor of DNR. Appeal received 11/5/98.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright Co.)	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp	NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant.
1/29/98	Ralston Purina Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/30/98	Rockwell City	Admin. Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding facility plan.
2/13/98	Ed Engelbrecht d/b/a E & E Auto Salvage	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
2/26/98	Ira Cooley, Debby Cooley and Karen Sauer	Admin. Order/Penalty	AQ/SW	Tack	Settled. Awaiting penalty payment.
3/06/98	Enviro Safe Air, Inc. (98-AQ-05)	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/03/98	Pictured Rocks Methodist Camp	Admin. Order/Penalty	WS	Hansen	Facility agreed to install chlorination. FO 2 inspection on 6/29/98.
4/03/98	Cooperative Oil Company; Mickey Berg	Admin. Order	UT/WW	Womson	Compliance initiated.
4/23/98	North Liberty, City of	Admin. Order	WW	Hansen	Negotiating before filing.
4/27/98	Weise Corporation	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/28/98	ALCOA	Permit Conditions	WW	Hansen	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	Admin. Order/Penalty	WS	Hansen	Chlorination system installed by WS.
5/11/98	Teri Cook-Schlutz	401 Certification	WQ	Murphy	Negotiating before filing.
7/01/98	Ag Processing, Inc.	Permit Conditions	AQ	Kaizer	Negotiations continue.
7/27/98	Mitchell Dam Bar	Permit Conditions	WS	Hansen	Negotiating before filing.
7/28/98	Q C. Metallurgical Laboratory	Laboratory Certification Revocation	UT	Womson	Settlement reached. Compliance achieved.
7/29/98	Eagle Lane Corporation	Admin. Order/Penalty	WS	Hansen	Water supply in compliance with monitoring requirements.
7/29/98	Archer Daniels Midland 98-A-507P thru 98-A-515P	Permit Provisions	AQ	Preziosi	Negotiating before filing.
8/13/98	Obie's Hurstville Tap	Admin. Order	WS	Murphy	Negotiating before filing.
8/18/98	University of Iowa	Permit Conditions	WW	Hansen	Settlement offer sent 10/98.
9/15/98	Verton S. Miller	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/22/98	Rosebar Tire Shredding Center; Dan L. Schwitters	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	Admin. Order/Penalty	AQ	Kaizer	Hearing set for 2/8/99.
10/03/98	Ag Processing, Inc. (Emmetsburg)	Permit Exemption Denial	AQ	Kaizer	Negotiating before filing.
10/06/98	M & W Pallett Co.	Admin. Order	SW	Tack	New case. Clean-up in progress.
10/08/98	West Liberty, City of	Admin. Order/Penalty	WW	Hansen	Informal procedures required.
10/09/98	Elm's Corporation of Linn County	Admin. Order/Penalty	UT	Womson	Compliance initiated.
10/09/98	Wanke Construction Co.; Randeau Wanke	Admin. Order/Penalty	AQ/SW	Kaizer	Settled. Awaiting penalty payment.
10/13/98	The Legacy Group, L.C.; Easter Lakes Estate Site	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
10/15/98	Ag Processing, Inc. (Sergeant Bluff)	Permit Exemption Denial	AQ	Kaizer	Appeal moot. Closed.
10/23/98	John Janning	Admin. Order/Penalty	AQ/SW	Kaizer	Settled. Awaiting penalty payment.
10/28/98	Howard Knowler	Admin. Order/Penalty	AQ/SW	Tack	Penalty received 12/11/98. Closed.
11/03/98	Dakota Mobile Home Park; Capitol Oil Co.	Admin. Order	WS	Murphy	Negotiating before filing.
11/04/98	Steve Stout	Admin. Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
11/05/98	Jim Arenson Chevrolet	Permit Revisions	WS	Hansen	Negotiating before filing.
11/06/98	Barr Farm Venture and Mel Foster Co. Properties	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
11/06/98	Rustic Oaks Homeowners Assoc.	Admin. Order	WS	Murphy	Negotiating before filing.
11/09/98	Cinda L. Welk	Admin. Order/Penalty	AQ	Kaizer	Settled. Awaiting penalty payment.
11/13/98	Caseys General Stores, Inc. (Johnston Store)	Admin. Order/Penalty	UT	Womson	Compliance initiated.
11/19/98	Jacobs Energy Corporation	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/19/98	Leland, City of	Admin. Order/Penalty	WW/WS	Murphy	Negotiating before filing.
11/23/98	Williamson, City of	Admin. Order	WW	Hansen	Negotiating before filing.
11/25/98	Northwest Airlines, et.al.	Permit Issuance	WW	Murphy	No appeal rights. Closed.
11/30/98	Robert Diehl	Admin. Order/Penalty	WW/WS	Murphy	Negotiating before filing.
12/01/98	Underwood Motel	Admin. Order/Penalty	WS	Hansen	New case.
12/01/98	Dyersville Golf & Country Club	Admin. Order/Penalty	WS	Murphy	New case.
12/02/98	Ag Processing (Eagle Grove)	Permit Conditions	AQ	Kaizer	New case.
12/07/98	Krauss Serene Wooded Acres	Admin. Order/Penalty	WS	Murphy	New case.
12/08/98	Dennis Tasler; Tasler Inc.	Admin. Order/Penalty	AQ	Kaizer	New case.
12/16/98	Richard Swailes	Permit Denial	FP	Clark	New case.
12/24/98	Keokuk Steel Castings Co., Inc.	Admin. Order/Penalty	AQ	Preziosi	New case.
12/28/98	Jim Comes; Gary Comes	Permit Issuance	FP	Clark	New case.

Mr. Stokes presented the routine monthly reports.

Discussion followed regarding several cases on the A.G., Penalty and Contested Cases reports.

<b>INFORMATIONAL ONLY</b>
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### **NATIONAL OLDER WORKER CAREER CENTER - AGREEMENT**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve spending \$50,271 for an agreement with the National Older Worker Career Center (NOWCC). is for the period of January 1, 1999 through June 30, 1999. The agreement would provide three contract positions to assist with administrative duties relative to permit processing, uploading data to EPA data bases and other similar administrative functions. The agreement would cover the period of January 1, 1999 through June 30, 1999. Funding for the agreement would come from federal air quality grant funds (\$40,916) and Title V fees (\$9,355).

Mr. Stokes reviewed details of the contract noting that the department had a similar agreement with AARP for a number of years, and this would basically switch who we paid for these services and would add one worker.

Brief discussion followed.

<i>Motion was made by Rita Venner to approve the Agreement for the National Older Worker Career Center. Seconded by Rozanne King. Motion carried unanimously.</i>
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<b>APPROVED AS PRESENTED</b>
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### **SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACTS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested to enter into two contracts for nonpoint source pollution control projects.

**Ensign Hollow II Watershed Project:** Approval is requested to enter into a contract with the Iowa Department of Agriculture – Division of Soil Conservation for the Ensign Hollow II Watershed Project. This new three-year trout stream watershed project will be funded using \$125,000 in FFY98 EPA Section 319 grant funds awarded IDNR \$125,000 specifically for this project.

**(ADDENDUM TO EPC MINUTES OF JANUARY 19, 1999)**

**CONTRACT WITH UHL - SPECIAL STATEWIDE STUDY ON THE OCCURRENCE OF AMMONIA, NITRITE & NITRATE IN IOWA GROUNDWATER**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve expenditures totaling \$42,245 over a period of two years for a special statewide study on the occurrence of ammonia, nitrite and nitrates in Iowa's groundwater. The Department will use drinking water program budgeted funds (75% Federal, 25% State). Several public water supplies in Iowa have experienced exceedances of the nitrite Maximum Contaminant Level (MCL), 1 milligram per liter (mg/L), during the past few years. Nitrate contamination is present in many groundwater systems across the state, but nitrite was not known to occur in more than a few systems. As a result, public water supplies are only required to monitor for nitrite once when the first nitrate sample is collected for the system, even though nitrite is an acute health risk when present above the MCL. The U.S. Geological Survey has been conducting statewide monitoring of wells for several years, and found that ammonia is occurring with increasing frequency. Ammonia is a precursor to nitrite, which is then converted to nitrate.

The purpose of this study is to investigate the occurrence and concentrations of ammonia, nitrite, and nitrate in Iowa water supplies, and to evaluate the risk for adverse health effects in the surrounding communities. The first phase of the study will consist of sampling 230 public community wells for ammonia. The second phase will consist of sampling systems for which Phase I sampling showed an ammonia concentration in excess of 1 mg/L. This sampling will determine if the ammonia is being converted to nitrite, and subsequently to nitrate, during treatment. Data from the Iowa Birth Defects Registry will be electronically linked to the water quality data to test for associations between the presence of ammonia, nitrite, and nitrate in drinking water and related health effects.

At the completion of this study, the Department will know which aquifers are susceptible to ammonia contamination, and at what concentration; will have actual data on the conversion of ammonia to nitrite in Iowa drinking water treatment plants and distribution systems; and will have data relating the presence of ammonia, nitrite, and nitrate to health effects that are occurring in Iowa. This information will provide supporting evidence for the addition of ammonia monitoring and an increase in nitrite monitoring, or it will show that monitoring for these analytes is not necessary to the health of Iowans.

Mr. Stokes reviewed the contract in detail.

Rita Venner asked if plans are to go to different towns around the state for sampling.

Rick Kelly, UHL, stated sampling would be scattered across the state. He fielded questions about the program and testing, and related that a final report will be presented to the department.

*Motion was made by Dean McWilliams to approve the Contract with UHL for Special Statewide Study on the Occurrence of Ammonia, Nitrite & Nitrate in Iowa Groundwater. Seconded by Charlotte Mohr. Motion carried unanimously.*

**APPROVED AS PRESENTED**



This project will protect and improve Ensign Hollow by implementing structural practices, such as tile outlet terraces, water and sediment control basins, grade stabilization structures, and animal waste systems in the stream's watershed. In addition, the project will include ISUE's nutrient and pest management program, appropriate animal waste utilization, and an intensive information/education component. Project funds will be used to support a project coordinator, a water quality monitoring program, and financial incentives for nutrient and pest management and streambank stabilization practices. Funding from other state and federal programs will also be used to support activities in this project.

**Regional Nonpoint Source Pollution Control Conference:** Approval is requested to enter into a contract with Iowa State University Extension Agribusiness Education Programs to coordinate the annual EPA Region VII Nonpoint Source Conference, to be held in Ames on March 24-26, 1999. This conference is held annually as a joint effort between EPA Region VII and the states of Nebraska, Kansas, Missouri, and Iowa, with the location rotating between the states. In addition to EPA and the four states, a number of other Iowa agencies and organizations are participating in the 1999 conference. The focus of the conference will be on the Clean Water Action Plan and its impacts on the Midwest

Contract funds will be used to support ISUE staff, travel costs and honorarium for speakers, and miscellaneous costs for developing, promoting and coordinating this conference. This contract will be for \$40,000, and funded using EPA Section 319 funds provided to IDNR for this project.

Mr. Stokes presented details of the contracts.

*Motion was made by Rozanne King to approve the Section 319 Nonpoint Source Pollution Control Project Contracts. Seconded by Terrance Townsend. Following brief discussion the motion carried unanimously.*

APPROVED AS PRESENTED

## WATER QUALITY STANDARDS - TRIENNIAL REVIEW

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

As requested by the Commission at its December, 1998 meeting, additional information and discussion will be presented on the following items related the upcoming water quality standards review effort.

- Timetable for the triennial review – development of issues, public hearings/meetings, rule change promulgation, etc.
- IWPCA request for a two-year moratorium on issuance of new/revised permits with water quality-based ammonia effluent limits.

- Resources needed to implement any changes to water quality standards (e.g., revise or renew existing water quality-based NPDES permits).

Mr. Stokes reviewed information the Commission requested at the December meeting and related that Jack Riessen will make a presentation on those issues.

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Mr. Riessen recapped that the Iowa Water Pollution Control Association (IWPCA) in November handed out a packet of information saying they felt the state's WQS on ammonia are too stringent and that more recent data should be used to establish standards; that the process the state uses to convert WQS to permit limits have technical flaws and does not reflect the latest EPA user guidance; and that as a result many Iowa cities are spending more on ammonia removal than needed and it is causing severe economic impacts on those communities. He related that IWPCA asked the department to revise the criteria and use a technical advisory committee to do that, and to propose a two year moratorium on the issuance of ammonia permits. The department responded that rather than address the ammonia issue directly they would be doing a Triennial Review in the coming year which would look at updating the ammonia criteria and revised methodology, as well as other issues. Mr. Riessen related that technical advisory groups will be used to assist the department in this effort. He noted that the department also responded to IWPCA that once the WQS revisions were in place it may take up to five years to translate those into revised permit limits. He added that the department also responded that staff did not feel an outright moratorium was appropriate, as staff have questions on the legalities of doing that. Mr. Riessen distributed packets of information containing a Proposed Timetable for WQS Review; Issues Identified to Date for WQS Review; and NPDES Permit Issuance Process, and he expanded on those areas. He noted that staff would pare down the list of issues and get input from EPA and environmental groups. He related that if everything goes according to plan, staff could possibly have a Notice of Intended Action ready for the Commission this fall. He noted that the table shows the shortest period of time in which revised WQS could be adopted. Mr. Riessen expanded on the process to issue permits noting that 60-75 days is the minimum time it would take to issue a permit. He noted that he checked with Kansas, Minnesota and Illinois in regard to a moratorium and up to about a year ago Minnesota continued to issue permits with ammonia limits, but in the last year they have quit placing ammonia limits into permits and will not do so until the Ammonia Guidance Document is finalized. Illinois for the past year has been issuing permits without ammonia limits in them and are waiting until new ammonia criteria is finalized. Mr. Riessen introduced Carl Mueldener from Kansas and asked him to address how the State of Kansas is handling this issue.

### **Appointment - Carl Mueldener**

Carl Mueldener, Kansas Department of Health and Environment, introduced Mike Tate from his department and gave a presentation covering Kansas Surface WQS; Permitting Issues; Local Siting Options; Challenge Stream Use Design; Challenge Criteria; Federal Objections; Data Available; Staffing; Allocation of Loads; and Cost Benefits. He also presented a history of the Kansas WQS and Implementation of Moratorium Bill - HB 2368. He reviewed options they

may take. He also discussed the TMDL suit; WQS changes and effects of 30Q10; Stream flow as a basis for permit limits verses 7Q10; and displayed a map of stream monitoring stations. He noted that their monitoring network has 10 FTE's and costs 1.6 - 2 million dollars.

Mr. Stokes asked what their staffing levels for permits are.

Mr. Mueldener stted that they have 850 muhicipal permits and there are 3 FTE's, adding they have an equal number of FTE's for industrial permits.

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A lenghty discussion took place regarding the Kansas program; reclassification of stream sites; the possibility of EPA taking over if states do not do what is needed; and options available to the states.

Mr. Stokes reviewed that the department has agreement to work through the WQS issues in a collaborative effort and the only issue not in agreement is the moratorium. He expanded on the moratorium issue.

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Before moving to the next item, Dave Wornson gave answers to some questions the Commission had on several cses on the routine montly reports.

### **FINAL RULE--CHAPTERS 60, 62 & 63, WATER QUALITY RULES UPDATE**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve revisions to Chapters 60, 62 and 63 of the rules. Chapter 60 of the rules provides general definitions of terms used elsewhere in the rules and rules of practice, including forms, applicable to the departments administration of the wastewater program. Chapter 62 adopts, by reference, the federal effluent and pretreatment standards applicable to industrial dischargers. Chapter 63 specifies minimum monitoring requirements, analytical procedures and reporting requirements applicable to all wastewater dischargers.

The purpose of this rulemaking is to update references in rules 62.4 (455B) and 62.5 (455B) to federal effluent and pretreatment standards which need to be changed to remain current with federal regulations. The change to rule 60.2 (455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 1998. The change to subrule 63.1(1) is to update the reference to the latest EPA approved analytical methods which must be used by wastewater discharges to remain current with federal requirements.

The commission is being asked to adopt these rules without public notice and participation. Adoption of federal effluent and pretreatment standards by reference, without public notice, is specifically provided for by rule 62.2 (455B) and Iowa Code section 17A.4(1). Because the

commission must adopt effluent and pretreatment standards at least as stringent as the federal standards in order to have EPA approval of the NPDES program, and the Iowa Code section 455B.173(3) prohibits the commission from adopting standards more stringent than the federal standards, public participation in this rulemaking is unnecessary. Although analytical methods are not effluent or pretreatment standards, these methods are required by federal regulations to be used to determine compliance with federal standards and in the submission of permit applications and other reports to the department. Because analytical methods at least as stringent as the federal methods are required to be used, and the federal methods are adopted by reference in subrule 63.1(1), the commission is asked to adopt this rule without notice and public participation as well.

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## ENVIRONMENTAL PROTECTION COMMISSION

### Adopted and Filed Without Notice

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission amends Chapter 60, "Scope of Title - Definitions - Forms - Rules of Practice," Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions," and Chapter 63, Monitoring, Analytical and Reporting Requirements, Iowa Administrative Code.

The purpose of this rule making is to update references in rules 62.4(455B) and 62.5(455B) to federal effluent and pretreatment standards found in 40 Code of Federal Regulations (CFR) which need to be changed due to federal amendments and revisions to 40 CFR. The change to rule 60.2(455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 1998. The change to subrule 63.1(1) is to update the reference to the latest federally approved methods for the analysis of wastewater samples which are adopted by reference.

In accordance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are unnecessary. Under rule 62.2(455B) the Commission has determined previously that good cause exists for exempting from the notice and public participation requirements of Iowa Code section 17A.4(1) the adoption by reference of certain federal effluent and pretreatment standards. The Commission found that public participation is unnecessary since the Commission must adopt effluent and pretreatment standards at least as stringent as the enumerated promulgated federal standards in order to have continued approval of the Environmental Protection Agency (EPA) of the Department's NPDES program. Iowa Code section 455B.173(3) requires that the effluent and pretreatment standards adopted by the Commission not be more stringent than the enumerated promulgated federal standards. The Commission also found that public participation is unnecessary when updating the reference to approved methods for analysis because these methods are required by EPA to be used to implement federal effluent and pretreatment standards.

The Commission adopted these amendments on December 21, 1998. These amendments will become effective on February 17, 1999.

These amendments may have an impact upon small businesses.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.

The following amendments are adopted:

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ITEM 1. Amend rule 567--60.2 (455B), definition of "Act," to read as follows:

"Act" means the Federal Water Pollution Control Act as amended through July 1, ~~1997~~ 1998 33 U.S.C. §1251 et seq.

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ITEM 2. Amend rule 567--62.4(455B) to read as follows:

567--62.4(455B) Federal effluent and pretreatment standards. The federal standards, 40 Code of Federal Regulations (CFR), revised as of July 1, ~~1997~~ 1998, are applicable to the following categories:

ITEM 3. Amend rule 567--62.5(455B) to read as follows:

567--62.5(455B) Federal toxic effluent standards. The following is adopted by reference: 40 CFR part 129, revised as of July 1, ~~1997~~ 1998.

ITEM 4. Amend subrule 567--63.1(1) paragraph *a* to read as follows:

567--63.1(1)*a*. The following is adopted by reference: 40 Code of Federal Regulations (CFR) Part 136 revised as of July 1, ~~1997~~ 1998.

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Date

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Larry J Wilson, Director

Mr. Stokes reviewed the rules noting that they simply update the reference date from July 1997 to July 1998 to pick up changes that would have occurred in federal rules or in the federal act through those dates. He related that since the rules have to be the same as the federal rules he would ask for adoption without notice.

Rozanne King asked if the rules were adopted today whether the date of December 21, 1998, on the first page, would be changed to today's date.

Mr. Stokes answered affirmatively.

*Motion was made by Rozanne King to approve Final Rule--Chapter 60, 62 and 63, Water Quality Standards Updates. Seconded by Dean McWilliams. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**PROPOSED RULE--CHAPTER 55, AQUIFER STORAGE AND RECOVERY**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided copies of proposed aquifer storage and recovery (ASR) rules at the January meeting. In March, 1998 the Governor signed House File 2292. This Bill requires the Department to initiate a permit program for persons to inject, store, and recover treated water from aquifers for potable use. The proposed rules were written in consultation with an advisory committee consisting of ten representatives of professional/technical organizations, water utilities, and industry groups, which met over the past two months. The proposed rules include:

- Definitions of "Aquifer storage and recovery", "Contiguous", "Displacement zone", "Drawdown", "Limited registration", "Permit", "Permittee", "Receiving aquifer", "Recovered water", "Stored water", "Treated water", and "Zone of influence".
- The clarification of legal rights and obligations affecting ASR permit holders.
- Technical definition of the affected area within the aquifer.
- Provisions for "limited registration" for aquifer pre-testing before a 20-year ASR permit is issued.
- Engineering/hydrogeological criteria for the Department's ASR project application review.
- Two public notification periods prior to final issuance of ASR permit.

The rules are written as a new Chapter 55 to the Department's Division B - Drinking Water administrative rules.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes presented details of the proposed rules noting that staff worked with a technical advisory committee in development of the rules.

Gary Priebe asked if Des Moines will be doing this.

Mr. Stokes replied that he believes Des Moines is thinking seriously about this program and will be the first to avail themselves under the new rules.

Discussion followed regarding aquifer movement; chlorine injection into the aquifer; not issuing water withdrawal permits within the aquifer area; and withdrawing water when nitrate levels are low.

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**HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR 111(D)/129 STATE PLAN**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the Hospital/Medical/Infectious Waste Incinerator (HMIWI) 111(d)/129 State Plan.

The purpose of this plan is to provide specific information and legal mechanisms necessary to implement the HMIWI emission guidelines (EG). Sections 111(d) and 129 of the Clean Air Act require the state regulatory agency to develop a state plan, which outlines our implementation strategy for the specific EG.

Notice of Intended Action for the HMIWI rule making was published as IAB Vol. XXI No. 5 (8/26/98) p. 429, ARC 8275A. The adopted and filed version was published as IAB Vol. XXI No. 11 (11/18/98) p. 1013, ARC 8493A. The public comment period for the plan has been extended until January 7, 1999.

### **Part I. Introduction**

On September 15, 1997, the Environmental Protection Agency (EPA) promulgated New Source Performance Standards (NSPS) and Emission Guidelines and Compliance Times (EG) for Hospital/Medical/Infectious Waste Incinerators, as 40 CFR Part 60 Subpart Ec and Ce. The NSPS and EG regulate and require reductions of the following pollutants: particulate matter (PM), carbon monoxide (CO), dioxin/furan, hydrogen chloride (HCl), sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), lead (Pb), cadmium (Cd), and mercury (Hg). These pollutants can have an adverse affect on both public health and welfare. The EPA estimates that full compliance with the EG will achieve 75 to 98 percent reductions in pollutant emissions.

Sections 111(d) and 129 of the Clean Air Act require the state regulatory agency to develop a state plan, which outlines the state's implementation strategy for the specific EG. The state plan is required to provide specific information and legal mechanisms necessary to implement the emission guidelines. The following represent the minimum elements required by EPA for approval of the state plan:

- . Identification of enforceable state mechanisms selected by the state for implementing the Emission Guidelines;
- . A demonstration of the state's legal authority to carry out the Section 111(d)/129 State Plan as submitted;
- . An inventory of existing Hospital/Medical/Infectious Waste Incinerators (HMIWI) in the state affected by the Emission Guidelines;
- . An inventory of emissions from HMIWI in the state;
- . Emission limitations for HMIWI;
- . Compliance schedules;
- . Testing, monitoring, and inspection requirements;
- . Recordkeeping, and reporting requirements;
- . Operator training and qualification requirements;
- . Requirements for the development of waste management plans;
- . A record of public hearing(s) on the State Plan;
- . Provision for annual state progress reports to EPA;

- . Title V permit applications due date; and
- . Final compliance date.

This document contains Iowa's State Plan, which outlines the state's implementation strategy, as required by the Emission Guidelines.

## **Part II. Enforcement Mechanism**

The state of Iowa will use state administrative rules as the enforcement mechanism to implement the emission guidelines for Hospital/Medical/Infectious Waste Incinerators (HMIWI), as required by 40 CFR Part 60 Subpart Ce. The Notice of Intended Action, IAB Vol. XXI No. 5 (8/26/98) p. 429, ARC 8275A, and the Adopted and Filed rule, IAB Vol. XXI No. 11 (11/18/98) p. 1013, ARC 8493A, are provided in Attachment A.

## **Part III. Demonstration of Legal Authority**

Iowa Code section 455B.133 grants the Environmental Protection Commission the authority to promulgate rules and regulations, which adopt provisions required by the federal Clean Air Act. A copy of Iowa Code section 455B.133 is provided in Attachment B.

## **Part IV. Source Inventory**

Table 1, provided in Attachment C, is an inventory of existing HMIWI within the state of Iowa. Should another source be discovered subsequent to this notice, there will be no need to reopen this plan. Sources discovered after the approval of this plan will be subject to the emission limits established in 567 IAC 23.1(5)"b."

## **Part V. Emission Inventory**

Table 2, provided in Attachment C, contains the emission estimates for existing HMIWI. The emissions from the HMIWI were derived using total waste charged in lbs/yr reported to the Department, and emission factors provided in "Hospital/Medical/Infectious Waste Incinerator Emission Guidelines: Summary of the Requirements for Section 111(d)/129 State Plans," EPA-456/R-97-007, dated November 1997. Stack test results were used, when reported.

## **Part VI. Emission Limitations**

The state rule is no less stringent than the emission limitations established in 40 CFR Section 60.33e. For a small HMIWI to be considered remote, it must meet the requirements listed in this section and be located in one of the blue lined areas outlined in Figure 1, provided in Attachment C. Exemption claims for co-fired combustors and for periods of time when pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination thereof, is burned are provided in Attachment D.

## **Part VII. Compliance Schedules**

The state rule remains consistent with 40 CFR Part 60, Subpart Ce by establishing compliance times based on the EPA's approval of the State's 111(d)/129 plan, with a final compliance date no later than September 15, 2002. Designated facilities planning to retrofit existing HMIWI shall comply with the compliance schedule outlined in Table 3, provided in Attachment C.



Designated facilities planning to shutdown existing HMIWI must shutdown their HMIWI within one year of EPA's approval of the State's 111(d)/129 plan. However, they may request an extension from the Department to operate for two additional years. The request for an extension must be submitted to the Department within ten months of the approval date of the state plan and include the following information:

1. Documentation to support the need for the requested extension;
2. An evaluation of the option to transport the waste off site to a commercial medical waste treatment and disposal facility on a temporary or permanent basis; and
3. A plan that documents measurable and enforceable incremental steps of progress to be taken towards compliance with the EG. The final compliance date can be no later than September 15, 2002.

The state rule will be amended upon EPA's approval of Iowa's implementation plan to establish fixed compliance dates.

#### **Part IX. Testing, Monitoring, and Inspection Requirements**

The provisions in the state rule for testing and monitoring refer 40 CFR Sec. 60.56c (excluding the fugitive emissions testing requirements under 40 CFR Sec. 60.56c(b)(12) and (c)(3)), and 40 CFR Sec. 60.57c. Those designated facilities defined as remote HMIWI have provisions in the state rule that are no less stringent than the requirements stated in 40 CFR Sec. 60.37e(b) for testing, and 40 CFR Sec. 60.36e for inspections. Monitoring requirements provided in the state rule differ from 40 CFR Sec. 60.37e(b) to incorporate U.S. Environmental Protection Agency's intent for implementing the monitoring requirements for remote HMIWI.

40 CFR Sec. 60.37e(b)(3) states "At a minimum, valid monitoring data shall be obtained for 75 percent of the operating hours per day and for 90 percent of the operating hours per calendar quarter that the designated facility..." As it is currently specified in federal rules, the monitoring requirements for small remote HMIWI are more stringent than monitoring requirements for existing medium and large HMIWI, and new HMIWI subject to the NSPS. The Department changed part of this phrase from "operating hours per calendar quarter" to "operating days per calendar quarter," and removed the word "and." This makes the monitoring language for remote HMIWI consistent to 40 CFR Sec. 60.57c(d) of the NSPS and within the intent of U.S. Environmental Protection Agency – Office of Air Quality Planning and Standards.

#### **Part X. Recordkeeping and Reporting Requirements**

The provisions in the state rule for recordkeeping and reporting refer to 40 CFR Sec. 60.58c(b), (c), (d), (e), and (f), excluding 40 CFR Sec. 60.58c(b)(2)(ii) (fugitive emissions) and (b)(7) (siting), except for remote HMIWI. The requirements for remote HMIWI are no less stringent than the requirements stated in 40 CFR Sec. 60.38e(b).

#### **Part XI. Operator Training and Qualification Requirements**

The provisions in the state rule for operator training and qualification refer to 40 CFR Sec. 60.53c.

#### **Part XII. Requirements for the Development of Waste Management Plans**

The provisions in the state rule for the development of waste management plans refer to 40 CFR Sec. 60.55c.

**Part XIII. Public Hearings**

The public hearing for IAB Vol. XXI No. 5 (8/26/98) p. 429, ARC 8275A, which noticed the state emission guidelines for Hospital/Medical/Infectious Waste Incinerators, was held on September 25, 1998. As stated previously, the Notice of Intended Action, the rule making Public Participation Responsiveness Summary and the Adopted and Filed rule are provided in Attachment A. The public hearing for the 111(d)/129 State Plan for existing Hospital/Medical/Infectious Waste Incinerators will be held on December 23, 1998. A thirty-day public comment period will be provided, as required by 40 CFR Part 60 Subpart B, for the 111(d)/129 State Plan for HMIWI. The Affidavit of Publication for the Notice of Public Hearing and the Public Participation Responsiveness Summary for the 111(d)/129 State Plan will be provided in Attachment E, once available.

**Part XIV. State Progress Reports to EPA**

The annual report will be incorporated into the reports required by 40 CFR 51.321.

**Part XV. Title V Permit Application Due Date**

Designated facilities, which plan to continue operation, are required to submit a Title V operating permit application to the Department no later than September 15, 2000, as specified by 567 IAC 22.105(1)"a."

**Part XVI. Final Compliance Date**

The final compliance date specified in the state rule is three years from EPA's approval of the State's 111(d)/129 plan. The final compliance date is one year from the approval date for facilities planning to shutdown, unless they apply for and the Department approves an extension of up to two years. However, final compliance can be no later than September 15, 2002.

(A copy of the Attachments to the plan is on file in the department's Records Center)

Mr. Stokes explained that part of the process after adopting rules on hospital/medical/infectious waste is for the state to develop a plan to address how Iowa will conduct the program. He related that the plan has gone out to public comment and no comments have been received to date.

*Motion was made by Rozanne King to approve the Hospital/Medical/Infectious Waste Incinerator 111(d)/129 State Plan. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

**PROPOSED RULE--CHAPTER 20, 21, 22, 23 & 25, NEW NESHAPS AND INTERNAL CORRECTIONS AND CLARIFICATIONS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached draft Notice of Intended Action to amend Chapter 20, "Scope of Title Definitions Forms Rules of Practice," Chapter 21, "Compliance," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," and Chapter 25, "Measurement of Emissions" 567 Iowa Administrative Code.

The purpose of this rulemaking is to update adoption by reference citations. Most updates do not add any additional requirements upon the state or industry. The rule making also adopts by reference three national emission standards for hazardous air pollutants (NESHAPs) that were promulgated federally for flexible polyurethane foam production, pharmaceutical production, and pulp and paper production (non-combustion). It also creates an exemption from construction permitting for certain pyrolysis cleaning furnaces; and allows for preparatory work to be initiated prior to issuance of a construction permit, in certain cases. The rule making also removes December 9, 1999, as the deadline for deferment to obtain a Title V, voluntary, or small source operating permit for certain source categories; defaults the emission standard for particulate matter to 0.1 grain per dry standard cubic foot of exhaust gas; and creates a definition for "bona fide training fire," as it applies to open burning. Other items are amendments to clarify intent of the rule or to amend language to conform with revisions made to federal regulations.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes explained the rules noting there was an additional errata sheet distributed to the Commission which basically includes language which should have been included between Items 16 and 17.

Brief discussion followed.

<b>INFORMATIONAL ONLY</b>
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**CONTESTED CASE APPEAL--DAVE AND KRISTI CASTENSON, ET AL.**

Diana Hansen, Compliance and Enforcement Bureau, presented the following item.

On November 19, 1997, the department issued a variance to the City of Harcourt. That action approved a separation distance of less than 1,000 feet between two residences and a proposed new wastewater treatment lagoon system for the City. That action was appealed by persons opposed to the location of the proposed lagoon system, and the matter proceeded to administrative hearing on July 20-21 and August 20 and 28, 1998. The Administrative Law

Judge issued the Proposed Decision on October 6, 1998. The decision affirms the granting of the variance.

The Castenson's et al. have appealed this order to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Blake Parker, Counsel for Dave and Kristi Castenson, distributed a hand-out to the Commission.

Ms. Hansen stated that part of the hand-out from Mr. Parker is additional evidence which was not admitted into evidence before the ALJ and she would object to it unless the Commission reopens the hearing or remands it back to the ALJ. She added that attached to the Petitioners Appeal Brief and Argument are a number of documents which were not admitted into evidence at the hearing. She related that additional arguments are found on Page 14 - item C-1, Page 15 - item (2), and Page 16 - item (3) of the Appellant's Brief. She related that those are issues that should be considered by agencies other than the department and other than the EPC making a decision whether or not the variance was appropriate.

Chairman Ehm clarified that the Commission is to consider what was presented before the ALJ and may come up with different Findings of Fact or Conclusions of Law, but are not to retry the case and look at new issues that were not brought up in the hearing.

Ms. Hansen went through the hand-out from Mr. Parker and noted which pages were not presented at the hearing. She explained the background of the proceeding and noted this matter concerns the appeal of the ALJ proposed decision for a variance to a wastewater treatment facility for the city of Harcourt. She noted that Harcourt was requesting a variance of the Ch. 64 Wastewater Rules for the siting of a wastewater lagoon. Ms. Hansen related that under this chapter a wastewater lagoon is to be 1000 feet or more from a residence unless there is an existing facility. She noted that Harcourt did not have an existing facility, so for any inhabited building within 1000 feet they would need to request a variance or obtain a waiver from the property owner. She related there were two residences located approximately 900 feet from the proposed lagoon and both residences were owned by Thelma Pierce who has passed away since the request for a variance was filed. She noted that the Executor was substituted as a party in this proceeding. Ms. Hansen added that the Castensons have a residence located at 1000 feet or more from the proposed wastewater lagoon. She stated that at the hearing Wayne Farrand, Waste Water Section Supervisor, testified concerning the submittals by the city's engineer on justification for requesting the variance of the 1000 foot separation distance. She stated that the city looked at alternate sites that would have met separation distance requirements and the city engineer returned comments why the proposed site that did not meet the separation distance was a better site than the other proposed locations. She related that Mr. Parker addressed two other sites he maintains would be better locations. Ms. Hansen commented on Mr. Farrand's testimony and his recommendation that the variance be granted. She noted that the Castenson's

attorney wrote the department and requested input into the decision making process and that letter was not received until late April 1997, several weeks after the department received the city's request for variance. She related that in July 1997, Mr. Farrand wrote the attorney stating they could have input into the decision making process, and no further information was received by the department. She added that the decision was subsequently made in November 1997 to grant the variance request, and following that, this appeal was filed. Ms. Hansen stated that the department maintains that based on the information provided and the criteria for reviewing variances, the department properly considered and granted the variance request. She related that the ALJ found that the request for variance and approval by the department met the standards in the Code as well as the department's design standards. Ms. Hansen asked the Commission to uphold the ALJ decision.

Commissioner Townsend left at this point in the meeting. - 4:30 p.m.

### **Appointment - Blake Parker**

Blake Parker, Counsel for Dave and Kristi Castenson and the other appellants in this matter, stated that when the department receives variance requests they are for design standards for the sewage lagoons, and the variances that were discussed at the hearing were design standards. He stressed that is not what this is about, adding it is only about a separation variance. He related that the only thing he is asking the Commission to decide today is whether or not it is proper to grant a separation distance variance. He stated that he disagrees with the ALJ decision and asks the Commission to find that she made mistakes. Mr. Parker noted that this case is based on the wastewater standards and those standards are not met in this case. He related that it is not a unique site and there is nothing to make it a more effective site than any of the other sites that were considered, and there is no reason to grant a variance. He stated that the site approved by the DNR is the wrong site because of an endangered species in a nearby location. He displayed a map of the area on an overhead and pointed out the site proposed by the city, adding that the city of Harcourt would like that site because a gravity flow system can be installed and implemented there. Mr. Parker related that the testimony at the hearing is different from that and he expanded on that evidence. He noted that the reason the city of Harcourt does not want to use a standard lagoon system is because of the lift pumps, the associated costs and chances the pump may fail. He related that a number of communities across the state have lift pumps, so the reason for gravity feed does not exist in this case. Mr. Parker spoke about septic systems and economic development and the grant money received by the city. He displayed a map of the flood zone along Buttrick Creek and the nearby Castenson site. He also displayed a photo taken in 1991 depicting standing water in the area where the sewage lagoons would be built. He related that it is a risk to build a sewage lagoon in this area where floods would cause dumping raw sewage into a creek that has the habitat of the Topeka Shiner. Mr. Parker pointed out an 80 acre site south of Harcourt which is for sale and would be a good area for a constructed wetland, and would not need a variance. He expanded on the constructed wetlands technology. He stated that the ALJ decision cites 17 variances granted by DNR, but he feels each are so fact specific that they cannot compare from case to case. He related that some of those variances are separation distances but none of them are for new construction, adding that variances are done

for existing structures. He stressed that those variances are design type variances and have nothing to do with this case. Mr. Parker stated that Wayne Farrand did not do any of the engineering studies, but used studies prepared by an engineer for the city of Harcourt. In conclusion, Mr. Parker stated that no one has ever looked at the Southern site and that is not fair because the site does not need a variance. He added that separation distances are not needed there because no one lives in that area. He thanked the Commission for listening and for the effort they will make in their decision.

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### **Appointment - Kevin Fors**

Kevin Fors, Attorney for city of Harcourt, stated that the city is the Intervenor in this action. He noted that the city disagrees that this is a standard review and there is a difference in review than what Mr. Parker put forth. He stated that the city of Harcourt has approximately 315 residents, which contains a large number of elderly and low income. He related that the city qualified for the grant because of the low income residents, adding that the city has always considered the low income residents when determining their decision in this matter. Mr. Fors noted that the city is on septic tanks now and would like a central wastewater collection system where everything is treated. He reviewed the city's efforts in looking at all of the proposed sites and expanded on same. He related that the proposed site was chosen because it can hook up to a gravity flow system and the operation costs would be considerably less. He discussed the generator pump proposed by Mr. Parker and related it would need to be filled with gas every one or two hours, and someone would need to do that. He noted that it is necessary to keep operating costs down when most of the residents are on fixed income. He discussed East Buttrick Creek, Blair's Lake and the Topeka Shiner and noted that East Buttrick Creek is a dredge ditch, not a meandering stream. He related that if the habitat for the Topeka Shiner is a gravel bottom meandering stream, then the affected section of East Buttrick Creek does not qualify as habitat for the Topeka Shiner. Mr. Parker stated that even if the Castenson property is a Century Farm it does not restrict it's alienation. He noted that the city has chosen that location because of the physics which allow gravity flow to that location. Mr. Parker stated that the City of Harcourt is requesting that the ALJ decision be upheld by the Commission as it has sound basis. He noted a mistake about whether or not a new variance would be needed if the facility needs to be expanded, and related that if there is an inhabited structure within 1000 feet a variance would be needed. He added that if there is an existing facility it can be built within 900 feet. He related that the decision of the department was that 900 feet was substantially equivalent to 1000 feet, and one would not notice the difference in being 900 feet from a sewage lagoon than being 1000 feet from the lagoon. Mr. Fors thanked the Commission for their time.

Diana Hansen stated that the Topeka Shiner issue has come up since the close of the hearing and is something that is under consideration. The department will be provided additional information considering the presence or absence of the Topeka Shiner in that area, and the US Fish and Wildlife would make a determination as to whether or not the project could have an effect on the Topeka Shiner. She related that they could mandate mitigation if there is an effect on the Topeka Shiner. She added that they could not prohibit building on the site, but there are substantial fines if there is a taking or harm to the fish.

**Appointment - Dave & Kristi Castenson, and Barb Cummins**

Dave Castenson stated that he finds it real hard to believe that a Topeka Shiner will find out where a creek ends and a dredge ditch begins. He noted that it's difficult to take, being a Century Farm owner, that he could stop a Walmart or Younkers from building on his property but not a human waste lagoon. He presented the Commission with two petitions, one containing 768 signatures from concerned citizens of Iowa stating that they agree with one or more of the following statements: 1) that separation distance of 1000 feet to a residence be maintained when siting a new municipal lagoon. No variances; 2) the distance to the drainage ditch should be 100 feet because the lagoon will be located in a flood plain; 3) the lagoon should not be located so close to the northwest side of town; 4) the lagoon should not be located on a Century Farm when other sites are available that meet the rules. The other petition contained 108 signatures from residents for the city of Harcourt stating: "We the following residents and patrons of the city of Harcourt do not agree with the location of the proposed lagoon site." The reasons listed were poor site location, eye sore, too close to the city, too expensive, and may divide community.

Dean McWilliams asked if everyone in the city had an opportunity to sign the petition.

Dave Castenson stated that some of the people had the opportunity but not everyone.

Mr. Fors stated that the petition with 108 signatures was presented to the ALJ and there was considerable discussion about that on the record, adding that he wanted the Commission to know that was considered by the ALJ

Randall Giannetto stated that he does not see where there are unique circumstances not found in those projects. He related that when he has to get a variance in the city of Marshalltown he has to do everything possible to prove that his project is so weird there is no other way to do it. He added that if a person is going to say 900 feet is substantially 1000 feet, you can say 800 feet is almost 900 feet and 600 feet is almost 700 feet, and soon you would question why even have the rule.

Rozanne King asked about Page 33, regarding the Century Farm designation and when it is not applicable.

Ms. Hansen stated that the department is in favor of the ALJ interpretation and believes that a Century Farm can be used for a sewage lagoon site and the city can condemn the property. She noted that the property has already been condemned for use as a sewage lagoon. Discussion took place on the portion of the Code 403.17

Further discussion was held regarding the Commission's options in this case.

Chairman Ehm stated that the Commission's role is to look at the facts and information and decide whether the department was reasonable and appropriate in issuing the variance. He related that he does not believe the department was unreasonable in making that determination. He added that he thinks the department was appropriate in issuing the variance and that the ALJ was correct in upholding it.

Charlotte Mohr disagreed with Chairman Ehm and made the following motion.

*Motion was made by Charlotte Mohr to reverse the ruling on the variance by the Administrative Law Judge. Seconded by Dean McWilliams.*

Chairman Ehm noted that the Commission would have to state different conclusions of law or findings of fact to uphold the reversal of the ALJ decision.

Charlotte Mohr stated that when the rules state 1000 feet it means 1000 feet separation distance, not 900 feet or 800 feet.

Gary Priebe stated that if the rule states a 1000 foot separation distance, 900 feet would be 90% and that should not be allowed. He related that if there are other places the city can build the lagoon, then that should be done.

*Chairman Ehm requested a roll call vote. "Aye" vote was cast by Commissioners McWilliams, Mohr, Murphy, Priebe, Venner, Giannetto, and King. "Nay" vote was cast by Commissioner Ehm. Motion carried on a vote of 7-Yes to 1-No.*

#### **ALJ DECISION REVERSED**

### **1999 LEGISLATION**

Don Paulin pointed out the display boards with the department bills pertaining to the environment. He noted that Larry Bean, Energy Bureau Division Administrator, will discuss the Net Metering bill.

Mr. Paulin reported on the following bills in the legislature:

- One livestock bill to date
- Six deer bills to date
- SF-6 - Pollution Control Property Tax Credits to livestock producers would cease
- HB-36 - Livestock confinement permits would not be issued to any applicant having any environmental violation in any other state
- HF-37 - Expand bottle and can redemption to include juice, etc. and increase 5-cent deposit to a dime, and give 2 cents to handlers.



Mr. Paulin distributed copies of the annual report on the number of livestock facilities permitted last year. He explained details of the bills listed on the display boards.

Larry bean explained details of the Net Energy Measurement and Metering bill proposal.

Discussion followed regarding the department's proposed bills and the following assignments were made:

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Net Energy Measurement and Metering - Larry Bean will handle  
Pesticide and Fertilizer Contaminated Sites - Dean McWilliams  
Infectious Waste - Kathy Murphy  
Baled Solid Waste - Randall Giannetto  
Public Drinking Water System - Rozanne King  
Toll Free Pollution Hotline - Rita Venner

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February 15, 1999

March 15, 1999

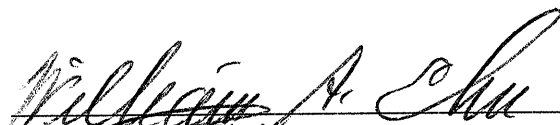
April 19, 1999

### **ADJOURNMENT**

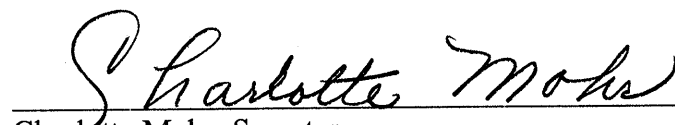
With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 5:35 p.m., Tuesday, January 19, 1999.



Paul W. Johnson, Director



William Ehm, Chair



Charlotte Mohr, Secretary

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